



**AGENDA
PLANNING AND ZONING COMMISSION
TUESDAY, JULY 5, 2022 @ 7:00 P.M.**

The Planning and Zoning Commission of the City of Anna will hold a meeting at 7:00 p.m. on Tuesday, July 5, 2022, at the Anna ISD Board Room located at 201 E. 7th Street, to consider the following items:

1. **Call to Order and Establishment of Quorum**
2. **Invocation and Pledge of Allegiance**
3. **Neighbor Comments:** At this time, any person may address the Planning & Zoning Commission regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to 3 minutes to speak. We are encouraging neighbors who wish to have their comments included, e-mail Lauren Mecke, Planning Manager (LMECKE@annatexas.gov) by July 5, 2022, no later than 3:00 PM so it may be read into the record.

No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

4. **Location Map**

Planning & Zoning Commission Organizational Review

5. Annual Planning & Zoning Commission Review
 - A. Elect a Planning & Zoning Commission Chairman.
 - B. Elect a Planning & Zoning Commission Vice-Chairman.
 - C. Elect a Planning & Zoning Commission Secretary.
 - D. Review/Discuss/Action on Planning & Zoning Commission Rules of Procedure.

Consent Items

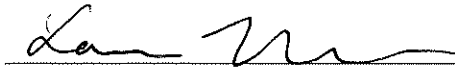
6. Consider/Discuss/Action to approve minutes of the June 6, 2022 Planning & Zoning Commission Meeting.
7. Consider/Discuss/Action on the Anacabri, Phase 2, Final Plat. Applicant: Megatel Homes.
8. Consider/Discuss/Action on the Garner Tres, Block A, Lot 1, Final Plat. Applicant: Richard & Victoria Garner.
9. Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lots 1R, 4, & 5, Replat. Applicant: Ashton Gray, LLC.
10. Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lots 1R, 4, & 5, Site Plan. Applicant: Ashton Gray, LLC.
11. Consider/Discuss/Action on the Arden Park, Phase 1, Final Plat. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.
12. Consider/Discuss/Action on the Villages of Waters Creek, Block B, Lot 1, Preliminary Plat. Applicant: Anna 51 Joint Venture.

Items for Individual Consideration

13. Conduct a Public Hearing/Consider/Discuss/Action on the 75 North Addition, Lots 14R & 15R, Replat. Applicant: Bryan Peltier and Syeda Haque.
14. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 3.0± acres on the north side of Sam Rayburn Highway (S.H. 121), 2,070± feet west of E Farm-to-Market Road 455 from SF-E Single-Family Residential – Large Lot to C-2 General Commercial. Applicant: Paragon Realty Group, LLC.
15. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 0.4± acre located on the west side of N. Riggins Street, 670± north of Anthony Street from SF-1 Single-Family Residential District to Planned Development-SF-TH Townhome District with modified development standards. Applicant: Innovative Investments Inc.
16. Consider/Discuss/Action on the Salida Del Sol, Block A, Lot 1, Concept Plan. Applicant: Innovative Investments Inc.

Adjourn

This is to certify that I, Lauren Mecke, Planning Manager, verify that this agenda was posted at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 7:00 p.m. July 1, 2022.



Lauren Mecke
Planning Manager

Planning & Zoning Workshop

August 30-31, 2022

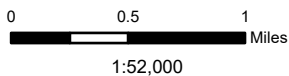
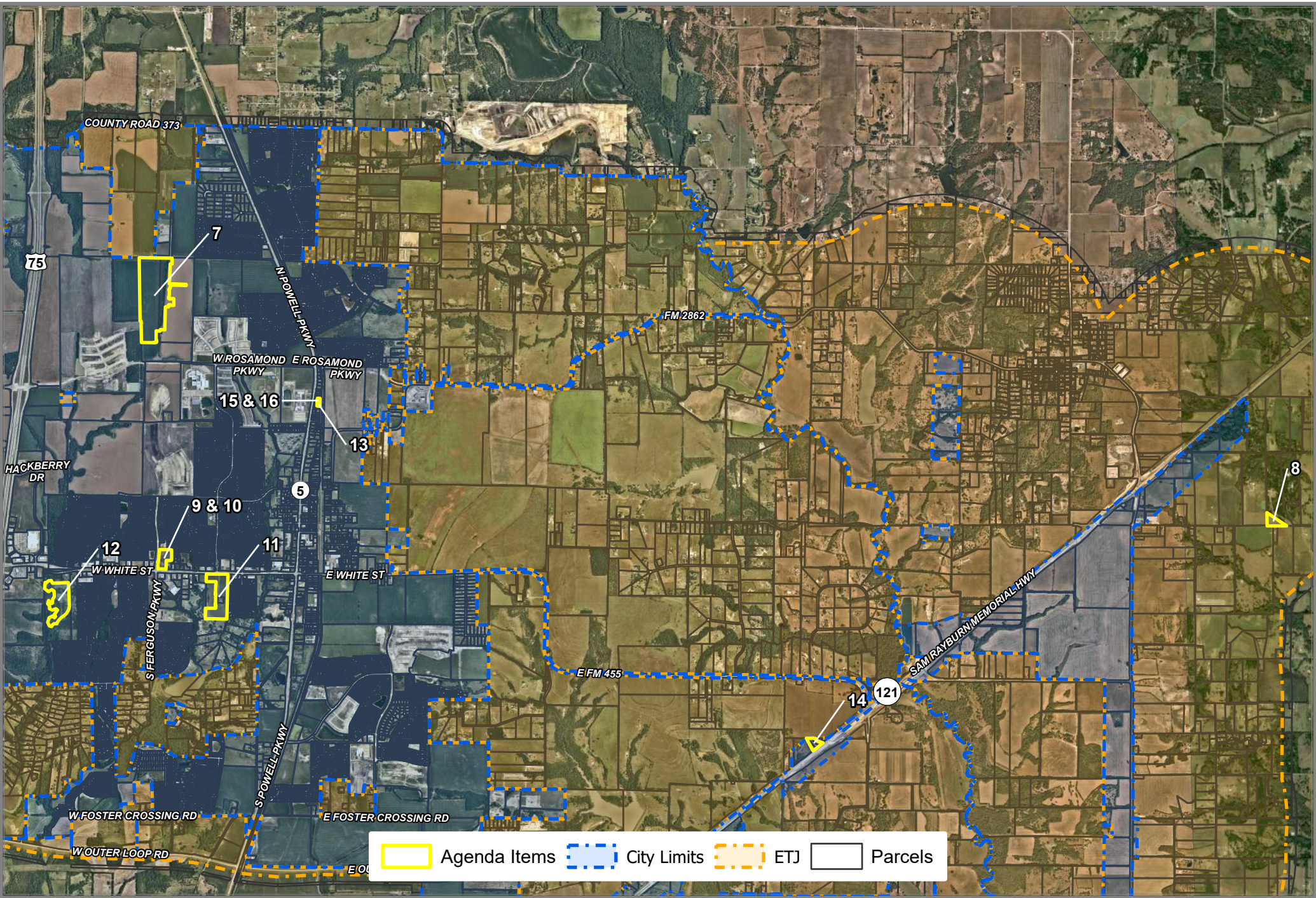
The objective of this two-day CPD workshop is to provide a detailed overview of planning and zoning in Texas and is designed to address practical issues in zoning and land development. It is geared to planning and zoning commissioners as well as members of zoning boards of adjustment and municipal support staff. These sessions address in detail matters related to zoning, land use issues, comprehensive planning, platting and subdivision regulation, impact fees, economic development, and legal issues associated with land use and development in Texas. Participants will receive a detailed book (electronic version) on land use in Texas and handouts of the power point slides used in the presentation.

- 9am-4pm**
- lunch provided**
- Held in Arlington at NCTCOG offices**

\$230

REGISTER HERE

northtexasdi@nctcog.org



City of Anna, July 5th, 2022 Planning & Zoning Meeting Map

Source: City of Anna GIS
Date: 6/29/2022

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Anna. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Anna, its officials or employees for any discrepancies, errors, or variances which may exist.

THE CITY OF
Anna



Item No. 5.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/5/2022
Staff Contact: Lauren Mecke

AGENDA ITEM:

- A. Elect a Planning & Zoning Commission Chairman.
- B. Elect a Planning & Zoning Commission Vice-Chairman.
- C. Elect a Planning & Zoning Commission Secretary.
- D. Review/Discuss/Action on Planning & Zoning Commission Rules of Procedure.

SUMMARY:

The City of Anna's Home Rule Charter requires the Planning & Zoning Commission to elect positions during the July meeting. At this time, the Commission may discuss procedures pertaining to the operation of the Planning & Zoning Commission. Attached are the sections from the Home Rule Charter and Zoning Ordinance that govern the Commission.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:
This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:

ATTACHMENTS:

- 1. P&Z Complete info packet 2022-06-25
- 2. Home Rule Charter Article 9 P&Z Commission
- 3. Sec 9-04-041 P&Z Commission

APPROVALS:

Lauren Mecke, Planning Manager
Lauren Mecke, Planning Manager

Created/Initiated - 6/29/2022
Approved - 6/29/2022

Ross Altobelli, Director of Development Services

Final Approval - 6/29/2022

BASIC INFORMATION FOR COMMISSION



www.annatexas.gov

Additional Meetings as Required

- Called work sessions on Comprehensive Plan, special projects or ordinance amendments
- Training sessions for members on general topics
- Days may be chosen depending on commissioners' schedules. All work sessions are held at City Hall in the Council Chambers.

Retreats/Conferences with City Council

- Annual half-day retreats or special topic conferences may be held with City Council. The retreats are used for teambuilding activities and discussion of general issues not related to specific development cases or projects.

General Information

- The Planning & Zoning Commission meets the first Monday of every month with the regular meeting starting at 7 p.m.
- The regular meetings usually end by 9:00 pm; however, they can last until midnight.
- Attendance at each meeting is noted and forwarded to the City Council.
- Reporters from local news agencies may attend meetings and may contact commissioners.

Preparation Time for Regular Meetings

- The agenda packet is made available on-line on Friday afternoon/evening prior to the Monday evening meeting. An email is sent to Commissioners when the packet has been uploaded to the City's website.
- Approximate amount of time it may take to read packet and make notes: one to two hours.
- Approximate amount of time it may take to visit sites of concern prior to meeting: one to two hours.

Preparation Time for Additional Meetings

- Approximate amount of time it may take to read information on proposed ordinance amendments and other issues, and make notes: one to three hours.

PLANNING & ZONING COMMISSION



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Meetings and Work Sessions

The Planning & Zoning Commission meets the first Monday of every month with the regular meeting starting at 7 p.m. Meetings are held at the Anna City Hall, located at 111 North Powell Parkway in Anna, Texas.

Roles and Responsibilities

The seven members of the Planning & Zoning Commission (Commission) serve two-year terms. The Commission evaluates certain applications including site plans and plats for new development projects and makes recommendations to the Anna City Council. In addition, the Commission regularly holds public hearings and makes recommendations to Council on zoning and rezoning applications, including amendments to zoning regulations. The Commission is also involved in the process of updated the City's Comprehensive Plan.

Commissioner	Date Original Appointment	Date Reappointed	Present Term Expires
Staci Martin 469-443-2002 stacirunge@hotmail.com	June 2022		May 2023
David Nylec 214-425-1767 dknylec@gmail.com	May 2022		May 2024
Dennis Ogan 469-534-7965 dennis@lonestardraftingservices.com	June 2021		May 2023
Douglas J. Hermann 972-400-7648 dhermannTX@gmail.com	May 2022		May 2024
Kelly Herdon-Patterson 972-841-7804 yukonJac1@yahoo.com	May 2021 (Filled unexpired term)		May 2023
Michelle Y. Clemens 469-919-4942 myclemens@gmail.com	May 2022		May 2024
Paul Wenzel 940-642-2358 paulwenzel@att.net	June 2021		May 2023

City Council Liaisons

The Council Liaisons observe the activities of the Commission to stay informed and provide a resource at Council meetings

Council Liaisons			
Randy Atchley			

PRACTICE TIPS FOR COMMISSIONERS



Zoning Cases

- Discretion:* Broad but must have reasonable basis
- Always:* Consider **land use** appropriate for the various districts and make uniform and logical decisions.
- Never:* Make decisions that are arbitrary and capricious. Avoid "spot zoning" – zoning which varies or makes exception for particular tracts of land without justification based on the legitimate goal of promotion of health, safety, and welfare.

Zoning is "The division of a jurisdiction into districts within a jurisdiction within which permissible uses are prescribed and restrictions on building height, bulk, layout and other requirements are defined." There are two basic types of zoning petitions: changes to a property's zoning classification and amendments to the zoning ordinance text.

Special Types of Zoning

- Planned Development Districts
- Specific Use Permits

Actions on Zoning Petitions

- Public Hearings are held by both the City Council and Planning & Zoning Commission
- Planning & Zoning Commission provides a recommendation to City Council
- Legislative Action, not an administrative action
- Reasonable discretion in making decisions on zoning petitions
- May take into account testimony of the public and facts presented in the public hearings
- Regulations must rationally and reasonably advance a legitimate government purpose

Remember:

1. Land Use. Zoning is a land use issue. Decisions should be based on the legal designation of land or real property for a particular use such as commercial, industrial or residential.
2. Consider the comprehensive plan and City of Anna strategic plan when making zoning decisions. The comprehensive plan is intended to guide the future growth and physical development of a community by providing for the distribution and relationship of various land uses. The strategic plan identifies value-based principles that describe the preferred future in 15 years.
3. Specific Use Permits should only be utilized in limited situations when a land use may be appropriate in a certain location in a zoning district but not in all locations.

PRACTICE TIPS FOR COMMISSIONERS



4. Planned Development Zoning is intended to provide for combining and mixing of uses with appropriate regulations allowing flexibility in the use and design standards in situations where modification are not contrary to the intent and purpose or inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. Planned developments should not be used as a backdoor means to grant a variance.

Development Application Review (Site Plans/Plats)

Discretion: Extremely Limited

Always: Approve if it meets requirements in the plan/plat checklists and city regulations.

Never: Impose conditions greater than required by the code.

The site plan and plat process govern land development in the city. Developers must receive approval of these plans to begin development and/or sell properties.

Site Plan

The site plan review process is governed by the Zoning Ordinance and has two steps and includes the following types of plans:

- *Concept Plan
- Site Plan

Plats

The platting process is governed by the Subdivision Ordinance. There are several types of plats that the Council and Commission may review and approve:

- Preliminary Plat/Preliminary Replat
- Final Plat/Replat
- Development Plat
- Minor Plat
- Amending Plat

Commission's Actions on Site Plans and Plats

The Commission's actions on site plans and plats are considered administrative and ministerial in nature. As such, the Commission must approve these documents if they conform to all the city's ordinances and requirements. The Commission may not impose additional requirements and cannot deny a site plan or plat based on homeowner opposition.

Remember:

1. Utilize staff's expertise when decisions are based on health and safety issues, and make a record based on relevant evidence.
2. Generalized complaints by local residents are insufficient to justify denial of an application.

PRACTICE TIPS FOR COMMISSIONERS



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3. Meetings between the developers and homeowners can be requested but cannot be required. Denial of the application cannot be based on the developer's refusal to meet with homeowners.
 4. Approval cannot be withheld solely on conclusory allegations that the subdivision or site plan is not consistent with the character of the neighborhood if the plans meet all the applicable code requirements.
 5. If it meets the standards contained in the code regulations, the Commission must approve the application.

**Concept Plans are only required in establishing a Planned Development district. Concept Plans are required to meet the city's ordinances and requirements as part of the zoning request.*

Rules & Procedures for Commissioners



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ADOPTED NOVEMBER 9, 2010

RESOLUTION NO. 2010-11-05

Purpose

The City Council of the City of Anna, Texas ("City Council"), recognizes that it is desirable for there to be a uniform set of rules of procedure for conducting meetings of the City Council, boards and commission appointed by the City Council, and the business of the City Council and said boards and commissions in a sound and efficient manner;

Definitions

- (a) Governing Body means the City Council of the City of Anna, Texas or any board or commission whose members are appointed by the City Council.
- (b) Presiding Officer means the member of the Governing Body authorized to preside over official meetings of the Governing Body. The Mayor is the Presiding Officer at all City Council meetings. The Mayor Pro-tem or Deputy Mayor Pro-tem presides in the absence of the Mayor. Meetings of boards and commissions appointed by the City Council are presided over by a chairperson or president. The Vice Chairperson or Vice President presides in the absence of the Chairperson or President. The member of the Governing Body present with the longest tenure shall preside in the absence of any other Presiding Officer. In such cases, if two or more members of the Governing Body present have equal tenure, then the Presiding Officer shall be determined by the alphabetical order of the last names of the members with equal tenure.

Agendas

- (a) Unless otherwise provided for in a Resolution or Bylaws approved by the City Council, the City Manager or the City Manager's designee shall set the agenda for all meetings of the Governing Body as prescribed in City Council Resolution 2008-01-04.
- (b) Regular city council meeting agendas will include a "Public Comment" item. Under this item, members of the audience at the council meeting are permitted to address any topic relating to City business operations. The following procedures will be followed:
 - The speaker will state his/her name and address for the record
 - Remarks will be limited to three (3) minutes
 - The speaker may address the council only one time.

Rules & Procedures for Commissioners



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The Governing Body will not respond to questions or comments by the speaker, except a member may respond by making: (1) a statement of specific factual information given in response to an inquiry; (2) a recitation of existing policy in response to an inquiry.

Role of the Presiding Officer

The Presiding Officer shall fulfill the following duties:

- (a) Opens the meeting on time, announces the presence of a quorum, and sees to it that the meeting follows the agenda, and all discussions are focused on agenda items.
- (b) Keeps discussions focused on the matter at hand.
- (c) Sees to it that all major issues are brought to the floor in the form of a motion. The Presiding Officer shall allow additional discussion on a motion once made only after a motion is seconded. If no one seconds a motion made during a meeting, it dies for lack of support.
- (d) Uses reasonable measures to keep meetings from becoming unreasonably long.
- (e) If discussion wanders or becomes confused, the Presiding Officer calls people's attention to the motion on the floor as a way of refocusing discussion. If it is clear from the discussion that a decision will not be made within a reasonable period of time during the meeting, the Presiding Officer may ask for a motion to table the issue to a later meeting.
- (f) The Presiding Officer may authorize a member of the public to speak regarding a duly noticed agenda item under appropriate circumstances and shall ask the speaker to limit remarks to 3 minutes.

Rules for Discussion and Debate

- (a) Direct all remarks to the Presiding Officer, and only after being recognized by the Presiding Officer. Only one member of the Governing Body may speak at a time and must do so at a volume that is audible to the other members and other attendees of the meeting. There shall be no side discussion or debate during a meeting.
- (b) A member of the Governing Body shall stop speaking when the Presiding Officer finds it necessary to speak but may seek to be recognized to continue to speak.

Rules & Procedures for Commissioners



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- (c) A member of the Governing Body shall confine remarks to the issue being discussed and shall not communicate with members of the audience unless: (1) it is during a public hearing and the member is addressing an audience member who has been duly authorized to speak; or (2) the Presiding Officer has recognized an audience member to speak and the member of the Governing Body has also been recognized to speak.
 - (d) Members of the Governing Body should avoid using other members' names when referring to issues and positions under debate and should avoid attacking other members' motives.
 - (e) Members of the Governing Body should avoid personal attacks and offensive comments and shall not use obscene language.
 - (f) The Presiding Officer should warn a member about a serious offense the first time it happens (for example—personal attacks, use of obscene language, etc.).
 - (g) Any type of recording device, whether audio or video, even if turned off, may not be taken into a room or area where any part of an executive session discussion is being held.

Rules for Public Hearings

- (a) Public hearings will be conducted as follows:
 - (1) The Presiding Officer or Presiding Officer's designee will provide a summary report and recommendation as appropriate on the agenda item.
 - (2) The petitioner/applicant, if any will be offered an opportunity to discuss the petition/application prior to other public comment.
 - (3) The petitioner/applicant will state his/her name and address for the record and will be limited to three (3) minutes do discuss the item.
 - (4) Other persons wishing to speak during the public hearing will be offered an opportunity and shall state their name and address for the record.
 - (5) All other persons wishing to speak during the public hearing will be limited to three (3) minutes to discuss the item and may speak only one time on a public hearing item.
 - (6) The petitioner/applicant, if any, will be offered an opportunity to respond to comments or questions from the Governing Body but will be limited to not more than three (3) minutes unless the Presiding Officer permits additional time.

Rules & Procedures for Commissioners



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- (7) If an agenda item does not include a public hearing, it is the discretion of the Presiding Officer to allow public comment. If public comment is permitted, the procedures outlined in this section will pertain.
- (8) The Presiding Officer may change the time allowed to individuals to speak regarding an item on the agenda. However, in order to provide for efficient, effective, and orderly conduct of the meetings, such changes will be allowed only under unusual conditions.

Rules for Motions

(a) Making Motions.

- (1) Maker must be recognized by the Presiding Officer before making a motion.
- (2) Maker then states, "I move..."
- (3) A second to the motion is required.
- (4) The maker of the motion has the right to speak first during the discussion.
- (5) The maker also has the privilege of speaking last before the vote.
- (6) The Presiding Officer recognizes each person before he or she speaks.

(b) Amending Motions

- (1) Maker must be recognized by the Presiding Officer before making a motion to amend.
- (2) To Amend a Motion:
 - a. Requires a second from the member of the Governing Body who seconded the original motion.
 - b. Motion is considered amended upon a second from the member of the Governing Body who seconded the original motion.

(c) Tabled Motions

- (1) Maker must be recognized by the Presiding Officer before making a motion to table.

Rules & Procedures for Commissioners



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(2) To Table a Motion:

- a. Requires a second.
- b. No debate is allowed.
- c. No amendments to the tabling motion can be made.
- d. Majority vote is required to pass the tabling motion.
- e. A motion to table must set a definite date for reconsideration to take place at a duly noticed public meeting.
- f. The City Manager or the City Manager's designee shall place the item on a future agenda in accordance with a motion that tabled the item. At the future meeting upon which the tabled item is placed, the item shall automatically be taken from the table for consideration in accordance with said future agenda.

(d) Motion to Take No Action.

- (1) Maker must be recognized by the Presiding Officer before making a motion to take no action.

(2) Taking No Action:

- a. Requires a second.
- b. The maker of the motion has the right to speak first during the discussion.
- c. The maker also has the privilege of speaking last before the vote.
- d. The Presiding Officer recognizes each person before he or she speaks.

(e) Motion to Adjourn

- (1) Maker must be recognized by Presiding Officer before making a motion to adjourn.

(2) To Adjourn a Meeting:

- a. Requires a second.
- b. Not debatable.
- c. Cannot be amended.

Rules & Procedures for Commissioners



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- d. Majority vote is needed to pass.

Open Meetings Act

Notwithstanding any provision of these rules, all meetings of the Governing Body shall comply with the Texas Open Meetings Act.

Rules of Dress and Decorum

- (a) During all official meetings of the Governing Body, members shall observe a business causal dress code which shall at minimum include the following:
 - (1) Males will wear a colored polo shirt, dress shirt, jeans with no holes or dress slacks. Males shall not wear T-shirts (unless dress T-shirts with a coat or blazer) shorts, opened toed shoes, hats, and non-prescription glasses.
 - (2) Females will wear a colored polo shirt, dress shirt, jeans with no holes or dress slacks, or a skirt, and appropriate dress shoes. Females shall not wear T-shirts (unless dress T-shirts with a coat or blazer) shorts, hats, and non-prescription glasses.
- (b) During official meetings of the Governing Body, members shall not use tobacco products including smokeless tobacco.

SAMPLE AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

I, _____ (*printed name of affiant*), a local public official, make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by an action contemplated by the City of _____

The business entity or real property in which I have a substantial interest is: [*name and address of business and/or description of property*] _____

I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons [*circle all that apply*]:

- (1) own 10% or more of the voting stock or shares of the business entity;
- (2) own 10% or more of the fair market valued of the business entity;
- (3) own \$15,000 or more of the fair market value of the business entity;
- (4) receive from the business entity funds that exceed 10% of _____ [*my, his, her*] gross income for the previous year;
- (5) have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

Upon filing of this affidavit with the official record keeper of the city, I affirm that I shall abstain from voting or further participating in any matter involving the business entity or real property, unless allowed by law.

Signed this _____ day of _____, 20____

Signature of Affiant

Affiant

BEFORE ME, the undersigned authority, this day personally appeared _____
_____ [*name of affiant*] and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME before me on this _____ day of _____
_____, 20____.

Notary Public in and for the State of Texas

My commission expires: _____

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Chapter 2

Ethics and the Planning Commissioner

Carol Barrett, FAICP



This chapter discusses and provides examples of how a Planning Commissioner can make complex decisions while being fair, equitable, and ethical. It provides information on the sources for ethical guidelines, particularly for the code of ethics and local ordinances. It establishes a framework and foundation for ethical planning officials and provides background on Texas law, in regards to conflict of interest. It defines common biases that impact ethical behavior and point to serious concerns about ethical misconduct. Specifically, in this chapter you will learn whether you can meet individually with applicants to hear about their project, whether you should take a tour of a project site with an applicant, if you can discuss pending development projects at your neighborhood association meeting, if friends and neighbors can offer their opinions about pending projects, what to do if a good friend has a project before the Planning Commission, and to do the job of a Planning Commissioner in a way that promotes fairness and objectivity. The following attachments are available at the end of the chapter to be used as reference guides and resources:

Attachment A: Ethical Principles in Planning, AICP

Attachment B: AICP Code of Ethics and Professional Conduct

Attachment C: By-laws for Planning and Zoning Commission, City of Collinsville, TX

Attachment D: Planning and Zoning Commission: Participating at Public Hearings, City of Arlington

Attachment E: Example Planning Commission Meeting Brochure, City of San Gabriel

Attachment F: Public Services Values, The Institute for Local Government



INTRODUCTION

“A prominent example of the appearance of a conflict came this past June when a planning commissioner recused herself, left the dais, then presented on a project to her colleagues. She said she had no recourse, since she is the only employee of her firm.”

Yikes. The sentence above comes from a local newspaper recounting a series of on-going ethical lapses in a City. In this instance, applicants may well perceive a “pay to play” rule. If you want favorable consideration by the Planning Commission, you have to pay a Commissioner or the Commissioner’s firm. This kind of behavior is wrong for a number of reasons which are discussed below. While an extreme example, it is not an isolated one. Planning Commissioners regularly face ethical questions. Thinking about those ethical questions and possible responses ahead of time prepares you to make an informed decision when confronted with an ethical challenge. That’s the

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Let’s step back for a second. What is ethical behavior? Expressed in a straightforward manner, ethical behavior is what you ought to do as a Planning Commissioner. It’s treating others as you would wish to be treated. It’s the kind of conduct that makes the world a better place.

Ethics is particularly important in public service. As a Planning Commissioner, you have been given significant authority and you are expected to use that authority with integrity. You make decisions about what can and cannot happen in your community. You make recommendations about how to spend city money, some of which comes from local taxpayers. If the Planning Commission is to do its job properly and address the challenges confronting most communities, public trust and confidence is vital. High ethical standards are required to secure and maintain public trust that is essential to the planning process and to good government.

What are common ethical questions that Commissioners need to answer?

- Can I meet individually with applicants to hear about their project?
- Should I take a tour of a project site with an applicant?
- Can I discuss pending development projects at my neighborhood association meeting?
- Can friends and neighbors offer me their opinions about pending projects?
- What happens when my best friend has a project before the Planning Commission?
- How can I do my job as a Planning Commissioner in a way that promotes fairness and objectivity?



SOURCES FOR ETHICAL GUIDELINES

Most planning officials often operate according to an unwritten, personal code of ethics. As a new planning commissioner, you know yourself to be honest in your day-to-day dealings with friends and family and you are reliable in your professional life as well. Therefore, you assume that the way you deal with ethical questions that come up as a planning commissioner will be honest as well. Most people have convictions about what is right and wrong based on religious beliefs, culture, family teachings, lessons learned in life, laws, and habits. These values may vary among your fellow commissioners. For example, loyalty to friends and family may conflict with one's responsibility to serve the public interest. Religious beliefs and culture are also a source of continuous historical disagreement over all kinds of matters. To help your Planning Commission operate consistently and fairly, a more uniform frame of reference is needed.

Codes of Ethics

This chapter can help you understand some of the more universal behavior standards for planners and planning officials so you are better prepared to think through what your response should be when ethical issues arise. The American Planning Association has adopted a Statement of Ethical Principles to help planning officials understand basic ethical expectations (See Attachment A). This Statement was prepared and adopted to provide guidance to planning officials. There is also a Code of Ethics for professional planners who have passed an examination and are members of the American Institute of Certified Planners. Their Code is also included for your reference as Attachment B. Finally, as a planning commissioner you will work with professionals from various disciplines – architects, engineers, and landscape architects for example. Like the planners, each profession has a Code of Ethics. They are not all attached here but can easily be researched on line.

Local Ordinances

In many communities and some states, there are adopted ordinances and laws governing aspects of the conduct of Planning Commissioners, especially with respect to conflict-of-interest. These materials should be provided to you by staff and covered in regular training so that you are familiar with them.



The general conflict of interest laws for Texas city officials are found in chapter 171 of the Local Government Code. It includes standards for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item. Chapter 171 conflict of interest provisions apply to all local public officials which includes planning commissioners. The Office of the Attorney General has an excellent publication that you can download from the internet. Commissioners should remember that these state requirements define the legal minimum, not what may be ethical.

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LAYING THE GROUNDWORK FOR ETHICAL PLANNING OFFICIALS

Serving as a planning official is not easy, especially in the face of public cynicism regarding the motives of community leaders. And then there are all the newspaper articles documenting various degrees of incompetence or corruption in the public sector. Some people will automatically assume that a level of malfeasance applies to you as a commissioner as well. Plus, your work as a commissioner is hard. You have to prepare for meetings by visiting sites and studying agenda packets which arrive only days before the meeting. You have to attend meetings which can run on for hours and listen to criticism, some of which may be ugly and very personal. But there are things that you and your community can do to help shape the public's perception about the values which underlay your decisions as a commissioner.

Elected Officials Should Appoint Good Planning Commissioners

A good Planning Commissioner is more than someone who can avoid financial conflicts of interest. A good commissioner knows a lot about the community and brings special expertise to the Commission. A good Commissioner should also have:

- An open mind to listen to new ideas from applicants, from other commissioners, and from staff.
- An ability to see both the strengths and weaknesses of the proposals.
- Critical thinking skills leading toward finding solutions.



- A willingness to spend the time required to study materials.
- An ability to manage other commitments so that attendance is regular.
- A commitment to making the process fair to all.
- A degree of independence in making choices and recommendations.
- Faith in the future and the ability of the community to shape that future.

Once you are a Planning Commissioner, you can help the elected officials to make good appointments by serving as a talent scout. You should be on the lookout for others in your community who would make good commissioners and share that information with your Mayor or planning director.

Planning Commissioners Should Have Regular Training

All new commissioners need an extended orientation to the work of the commission and the status of planning and development in your community. There should also be an ethics component of that training as well. An annual training event focused on the specific challenges in your community should be something you can request and help plan. Ethics should always be included among the topics to be covered. The community should budget to send planning commissioners to training sponsored by the Texas Chapter or other organizations whose work is relevant to your efforts as a volunteer.

If you are having problems as a Commission because one or more of your fellow Commissioners are not pulling their own weight, you can suggest training for the entire Commission that will make clear the expectations for conduct and effort. Working with your planning director can help make the training productive and relevant. In many cases, there are often other Planning Commissioners from nearby jurisdictions who can help set the ground rules and expectations. And the voice of a colleague always carries great weight. If your Planning Director doesn't have suggestions, the Texas Chapter will. The Chapter can be contacted online at <http://www.txplanning.org/>.

Planning Commissions Should Have Ground Rules

Every commission needs bylaws, written rules of procedures, and a statement of the ethical principles which will guide their work. Together, these documents provide assurance that everyone who interacts with the commission has rights -- due process, fairness, and equity. By-laws and rules of procedure tell people what to expect and help make work with the planning bodies more productive. They also set the benchmark for fair, ethical, and prompt deci-

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sions. If the process itself appears fair, there will be a much higher degree of confidence in the decision itself. By-laws and public hearing procedures from the City of Collinsville (Attachment C) are provided for your information.

It is also useful to community members to have an easy reference guide for how meetings will work written so that it can be easily understood. If you have this kind of information readily available, it will encourage the community to understand that you value their ideas and that the process is arranged so that they have an opportunity to make their point of view known. A sample Arlington, Texas (Attachment D) and one from the City of San Gabriel, California (Attachment E). The latter is always at the table outside the meeting room with agendas and includes background information on the Planning Commission as well as public hearing testimony procedures.

Finally, on evenings when there will be public hearings, the Commission Chair (or his/her designee) can briefly review the procedures so that those in attendance understand when they will be able to speak. All of this effort is directed toward making the work of the Commission transparent which is a core ethical value for public sector decision-making.

Planning Staff Should Use Standard Planning Procedures to Ensure Full, Open Consideration

Standard planning procedures help planning commissioners do their job in an ethical manner. Standard procedures also help ensure that issues will be properly aired without undue influence either in fact, or in appearance. That is a key component of ensuring the reputation of your Commission – it must both act fairly and be perceived as acting fairly.

Standard procedures lay out information that the applicant can rely on in moving a project forward; and that makes it clear to the community how and when they will be able to participate in the deliberative process. The value of transparency – the public can see and participate in what is going on – is best achieved through standard procedures. Planning Commissions should operate from posted agendas (a staff responsibility to prepare and post) and follow those agenda. Following the agenda is important because of the right of the public to address the Planning Commission. If items are taken up in a random order it makes it hard to know when to come to the meeting. That doesn't mean that the agenda can't be revised at the meeting itself. For example, if a larger number of citizens are in attendance for a single agenda item,



From time to time, even the best planners lapse into plannerspeak which is not always completely intelligible in staff reports. See below.

Version 1: It is the determination of City staff that there is a possibility of associated increases in traffic noise if this project is approved and constructed.

Version 2: City staff believe this project will increase traffic noise.

This example is from *Planning in Plain English* by Natalie Macris. It should be required reading in every planning agency.

then the Commission is likely to move that item up earlier in the meeting to allow the community to participate and get home earlier. Another aspect of agenda management is the language used to describe the work to be done. You and staff can work together to make the agenda as straightforward as possible. Here is an example:

PRJ12-00276 – ZON12-00043. APPLICANT: ORANGE COUNTY EMERGENCY PET CLINIC; PROPERTY OWNER: JEFFREY I. GOLDEN.

A request for a Conditional Use Permit to operate an after-hours emergency pet clinic per FMC 15.30.030 on property located at 3920 N. Harbor Boulevard (generally located between 420 feet and 520 feet south of Imperial Highway). (C-2- zone) (Staff Planner: Elaine Dove)

← This is a clear project description

← How do I contact the planner if I have questions?

Here is another example which also has some good aspects but still needs a bit more work as noted.

Rezoning: C814-2012-0160 – 211 S. Lamar

Location: 211 S. Lamar Boulevard, Lady Bird Lake Watershed, South Lamar

Combined NPA

Owner/Applicant: Post Paggi, LLC (Jason Post)

Agent: Winstead PC (Amanda Swor)

Request: CS & CS-V to PUD

Staff Rec.: Recommended

Staff: Lee Heckman, 512-974-7604,
lee.heckman@austintexas.gov
Planning and Development Review
Department

← What do the letters "NPA, CS & CS-V to PUD" stand for?

← Noting the staff recommendation is useful

← Including staff contact information is very helpful

In general, the Commissioners can only discuss and act on items included in the posted agenda. Commissioners can ask to have items added to the agenda. In fact, "Items from the Commission" should be a regular item on your agenda so that everyone is reminded of this opportunity.



Example: A resident comes to the podium during citizen comment to report that the conditions of approval for a project are not being adhered to and that the quality of life for the residents on her block has been substantially degraded as a result of the Planning Commission approval several months ago. She demands that the Commission do something to solve the problem immediately because, in her mind, the Commission caused the problem and she needs her sleep.

Answer: Commissioners should refrain from discussing the project by asking for examples of problems and considering whether the conditions of approval are being met. Instead the Commission can thank the citizen, ask staff to meet with the citizen, and place the item on an upcoming agenda for more detailed consideration. Staff should be encouraged to work directly with the applicant to address the issues of concern as soon as possible.

Standard procedures also include the quality of staff work and the schedule for planning commission packet delivery. If commissioners are expected to provide thorough and diligent services, they need relevant information on a timely basis. If the commissioners seek to support community involvement in planning, then the work has to be organized so that residents can find out what is going on and can make their points of view known. You should feel free to suggest to staff ways to organize and present the information so that it is useful to your decision-making. If you look at the web sites of other cities, you may see ideas for staff reports that you like. And don't hesitate to request that staff reports be written in plain English.

Commissioners should be able to request information that will supplement staff work when they have questions. All such information should be provided to all of the Commissioners, even when requested only by one. You will have a better decision-making process if you ask your questions ahead of time so that staff can do the necessary research. Of course you can ask questions of both staff and applicants at the meeting, but if you wait to raise major issues until the public hearing, you may well end up delaying action when that is not your intention. When information is distributed for the first time during the public hearing, copies should be made available to the public.

ACTING ETHICALLY: Planning Commissions Should Know Where Ethical Guidance Can Be Found

Ethical standards for planners and planning officials have been promulgated by the American Planning Association and the American Institute of Cer-

Ethics ordinances tend to regulate:

1. Activities that require disclosure such as sources of income

2. Behavior that is prohibited



tified Planners. The text of both is attached. There may also be local ethics ordinances which regulate behavior and although these may pertain to the planning commission. Ethics ordinances tend to regulate two things: activities that require disclosure such as sources of income; and behavior that is prohibited. There may be quite a bit of overlap between the standards of the APA and local ordinances. For example, a prohibition against soliciting or accepting gifts is a common element.

Example: Can a planning commissioner accept a bottle of wine as winter holiday thank you from a local architect?

Answer: Yes. Commissioners should not solicit or accept items of a value great enough to affect their judgment. Items that can easily be consumed fall outside of influencing behavior. The prohibition against taking gifts applies in the circumstances where a reasonable person might think the commissioner's judgment had been impaired. A single bottle of wine is only a token. However, if the architect had a project pending before the Commission, even a single bottle should not be accepted.

Example: Can a planning commissioner accept a case of wine as a winter holiday thank you from a local architect?

Answer: No. See above.

Example: Can a planning commissioner accept two free weeks at a local developer's condo on the beach in California?

Answer: No. See above. Accepting such a posh offer would leave people with the impression that you were indebted to the developer and that your decisions would be affected by your sense of owing something to another person.



Check out the Attorney General's website at www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf for more information.

State Law in Texas Regulates Conflicts of Interest

Planning Commissioners need to be familiar with Chapter 171 of Texas Local Government Code. It governs the conduct of planning officials who make decisions that are more than advisory. The law addresses potential conflicts of interest by local officials. The law seeks to prevent public officials from having dealings with their governmental bodies if they would derive a personal benefit. The law requires disclosure and abstention when it is time to vote if there is a substantial financial interest.

Texas Local Government Code Chapter 171 defines substantial interest as:

(a) Owning 10% or more of the voting stock or shares or an ownership of



- \$15,000 or more of the fair market value of the business;
- (b) Receiving funds from the business exceeding 10 percent of the commissioner's gross income from the previous year;
- (c) Having an interest in real property that is either equitable or legal ownership with a fair market value of \$2500 or more;
- (d) Being related by marriage or ancestry or affinity to someone who has an interest as described above.

The national codes of APA and AICP also address conflict of interest, but call for a higher standard — even the appearance of a conflict of interest should be avoided. Sources of financial conflict-of-interest can also include loans and gifts as well as a less than direct financial benefit.

Example: A realtor sits on the Planning Commission and from time-to-time, his broker appears before the Planning Commission to seek a zoning change on behalf of a client. Can the realtor vote on these requests?

Answer: According to the APA's Statement of Ethical Principles, because securing a change in the zoning is often a contract contingency, the realtor has a financial interest in working for a successful broker. The realtor should declare the potential conflict of interest and not participate in the discussion. However, according to Texas Law, this would not be a conflict of interest.

But laws are only minimum standards. The laws define what one must (or must not) do, not what one ought to do.

Sometimes Planning Commissioners overlook disclosure obligations related to charitable fundraising. The theory is that the public has a right to know if someone is contributing to your favorite causes. The assumption is that the donations are made to establish a special relationship with you. Or worse, what if a donor believes that if she or he fails to give, there will be negative consequences? As a Planning Commissioner, you need to be sensitive to these issues. Charitable donations can also be viewed as a version of "pay to play." That perception is damaging to the public's faith in the fairness of your decision-making.

Planning Commissions Should Adopt Ethical Standards

Your community should know that you have ethical principles that will be used in decision-making. These standards may already be in place (local ordinances and charter) or you may need to draft and adopt them. The APA

Additional guidance can also be derived from your local ethics ordinances. In the case of one Texas city, the Municipal Code states:

It is the policy of the City of that all city officials and employees shall act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust for their integrity, impartiality or of their devotion to the best interest of the City and the public trust which it holds.

That kind of a standard would prohibit voting by the realtor in a rezoning request made by his or her broker.



Statement of Ethical Principles has already been suggested for consideration. In summary, the Statement identifies the following ethical principles:

A. Serve the public interest.

1. Recognize the rights of citizens to participate in planning decisions.
2. Give citizens full, clear, and accurate information.
3. Expand choice and opportunity for all persons.
4. Assist in the clarification of community goals.
5. Ensure that information available to decision makers is also available to the public.
6. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Strive to achieve high standards of integrity and proficiency.

1. Exercise fair, independent, and honest judgment.
2. Publicly disclose any personal interests.
3. Define personal interest broadly.
4. Abstain from participation in a matter in which you have a personal interest and leave the chamber when the matter is being deliberated.
5. Seek no gifts or favors.
6. Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.
7. Serve as advocates only when the objectives are legal and serve the public interest.
8. Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker except after full disclosure and in no circumstance earlier than one year following termination of the role as advisory or decision maker.
9. Not use confidential information to further a personal interest.
10. Not disclose confidential information.
11. Not misrepresent facts or distort information.
12. Not participate in any matter unless prepared.
13. Respect the rights of all persons.

These principles are aspirational in nature and they seek to inspire voluntary commitment through appeals to conscience. They are a positive obligation. There are no sanctions for failing to comply nor is there any regulatory scheme.



If APA's Statement seems too detailed for your community, you can always consider something shorter. A quick check of the web will turn up a number of examples. Another example is provided in Attachment F. It deals in behavior and not outcomes and includes no prohibitions. Instead, it focuses how one behaves based on values. Adoption of this type of an ethics statement could promote healthy dialogue among the Commission. At the other end of the continuum we have the following statement adopted by another Planning Commission as their own version of a Statement of Ethical Principles:

We listen carefully to applicants and the community while collaborating effectively with staff to achieve sound decisions and recommendations to the City Council. We demonstrate a commitment to the highest standards of fairness and honesty.

In reality, the actual language finally adopted is less important than the discussion that will surround the adoption. A conversation with planning colleagues will clarify points of differing interpretation. Adopting ethical standards will also advise the community that there are principles upon which they can rely. Indirectly, you will be putting people on notice that certain forms of conduct are not acceptable. Finally, once you have an adopted statement of ethical principles, it can easily eliminate the need for debate about personalities or individual proclivities. A short statement can simply be made referring to the adopted Statement and how it either encourages or precludes certain forms of conduct.

The Decisions Made by Planning Commissions Should Reflect the Adopted Ethical Principles

Planning commissions should be attentive to every point of view laid out at a commission meeting: property owner rights; equitable procedures; opinions of residents; and sustaining the environment, etc. To sort through the plethora of information and arrive at the best decision, the commissioner needs to ask herself "What decision will promote the entire community's best interest over time?"

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Commissioners should also be attentive to the integrity of the planning process. Decisions should be based upon full information. This information should be discussed in an open forum where it can be debated. Certainly planning reports, studies, and other records should be available to persons on either (or any) side of an issue. Other meetings or communications a commissioner may have received which are related to a proposed decision must be



noted at a public hearing to ensure full information, comments, and rebuttals as appropriate. If a Commission conducts its business in a consistent and open manner, then the community will have more faith in the process.

Applicants Deserve Fair Decisions Made in an Un-biased Manner

Basic common law provides that Commissioners exercise the power of office for the benefit of the public and not for their private interests. The Constitution lays out due process principles that require the decision-makers to be fair and impartial when sitting in a quasi-judicial capacity on matters such as variances which require findings to be made.

What constitutes bias? Bias arises from having a personal or financial interest in the outcome. For example, one court found a council member was biased and should not have participated in a decision about new construction which would block the member's view of the ocean. There could be a personal bias based on well-known animosity toward an individual. Strong personal loyalty could also constitute a bias. If, for example, your best friend since kindergarten applied for a variance to the setbacks for her home, you could be perceived as biased in favor of the proposal. Another form of bias could come from your belief system or ideology. A Commissioner might find a proposal to approve a Conditional Use Permit for a Planned Parenthood clinic provoking a strong reaction if the Commissioner opposed education about contraception for teenagers or abortions. Another form of bias can result when information received outside of the meeting influences your thinking. All communications about the project (pro and con) should occur in the context of the noticed hearing. See the discussion of ex-parte communications which immediately follows.

Ex-parte communications

Ex-parte communications are those that occur outside of the formal meeting. These kinds of communications can undermine your efforts to establish a reputation for Planning Commission fairness.

Some Planning Commissioners insist that they are comfortable with receiving communications from the projects' neighbors or other concerned citizens. They believe being open to community input is part of their job. Those members explain that they report the ex-parte communications prior to the beginning of the official meeting. But disclosing may not be enough. You can't easily convey the full text of information received or the way you may have

Why is it a problem when information is communicated to you outside of a meeting?

- Not everyone has the same information
- The applicant cannot respond, if accusations are made
- You can't readily assess the accuracy of the information by seeking confirmation from staff
- It violates the perceived fairness of process if special information has been conveyed to a subset of the board membership



been influenced.

Site visits are a form of ex-parte communication. However, they are desirable. They can take the form of individuals driving by a site, or exploring it alone on foot. Some communities chose to organize group visits with staff. Because you may have a quorum of Planning Commissioners present, such site visits should be posted as a public meeting. Staff should prepare a brief write up of the visit for the public record. While on the site, board members should maintain an open-minded frame of mind and refrain from offering opinions to the property owner who is likely to be present.

Example: Can a planning commissioner receive information or explanations from an applicant outside of the regular meeting?

Answer: If the information is designed to influence the thinking of the Commissioner, the information should be presented in a public meeting. It should be in writing and should be part of the official public record.

Commissioners must give serious consideration to stepping aside and not participating when reviewing projects if they have listened to community input and have already determined the proper outcome in advance of receiving the evidence.

Serial Meetings

A serial meeting occurs when a series of communications among board members results in a debate and discussion of a pending item or policy. Serial meetings may be prohibited by state or local ethics codes. Whether precluded or not, they should be avoided. Serial meetings are the product of high technology, particularly e-mail. Meetings where decisions are made have to be conducted in public. E-mails about pending matters should be avoided.

Example: Can the staff send a notice to all the Planning Commission advising them that a long desired development project has been dropped from the agenda at the request of the applicant?

Answer: Yes. No discussion of pros or cons should be undertaken. No replies should be sent.

Example: Can planning commissioners send e-mails using the "reply to all" feature speculating why the applicant made the decision and what, if anything, the commission can do as a group to help get the project back on track?



Social Media and Serial Meetings:

The general rule is that a majority of the Planning Commissioners cannot use the Internet to communicate with each other about Planning Commission business. Many web sites present information or ask questions and individuals make comments or ask questions which are called postings. Multiple Commissioners cannot post or comment on others postings on Planning Commission business. If they do, then they are debating the public's business outside of the public meeting. This is a no-no. This does not mean that one-way communications like blogs are limited. Blogging can be a good way to get the work out, especially in a time of declining newspaper readership.



Answer: No. The commission would be discussing a topic with the intention of arriving at a consensus to guide future public action outside of a public meeting.

Separate communications with decision-makers to answer questions are acceptable. But those communications cannot have content which includes information about the position of other decision-makers. Commissioners should avoid all forms of communication that could result in an agreement by the Commission or a subset of Commissioners about what to do outside of a public meeting. This guidance does not preclude Commissioners from being present at the same social event or attending a training conference. It simply means that while at those events the Commissioners cannot meet to discuss the public's business.

Exchanging Votes

We've already covered the ethical standards that prohibit Planning Commissioners from soliciting or receiving bribes/gifts in exchange for their votes. Commissioners cannot give their vote in exchange for another public official's vote. Vote trading is a form of quid pro quo (this for that). Engaging in this kind of behavior compromises the decision-making process. Outcomes other than what is best for the public are being treated as what's most important when votes are traded.

Civility

It is to be expected that people will disagree about planning projects. The disagreement itself is not a bad thing; it is how the disagreement is expressed that holds the potential for problems. Many issues that come before the Planning Commission will involve controversy. But if it appears that the personalities and not the merits of the proposal are holding sway, the public will rightly doubt the wisdom of the outcome. The City of Collinsville (See Attachment C) has adopted procedures calling for civil conduct and outlining what will happen when there is a lack of order. See excerpts below.

Article 16: Conduct of Persons Before the Planning Commission

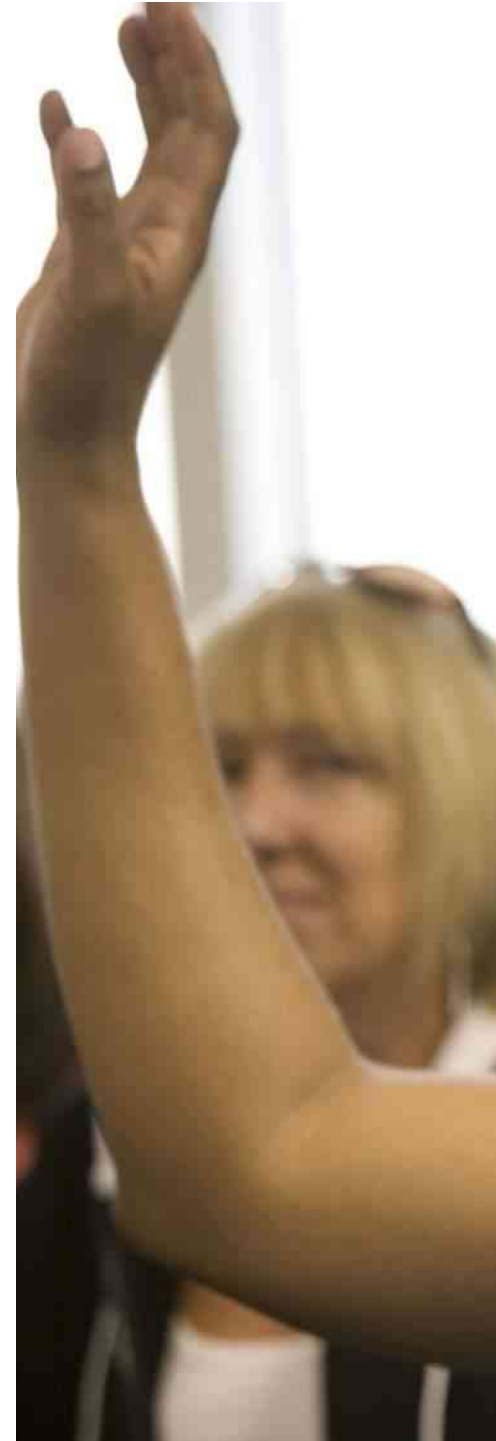
- *During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to "disregard" the comment, which nevertheless may, at the discretion of the board, remain in the public record.*



- *During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.*
- *During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.*

The advantages of having these procedures in place ahead of time is that it saves people the stress of trying to decide in the middle of an especially angry and contentious meeting what to do next. It also sets a reasonable standard to which Commissioners can refer when the shouting and the insults become untenable. Ejecting people should be avoided if at all possible, especially because law enforcement personnel rarely attend Planning Commission meetings. Nonetheless, there are occasions when the Police should be invited to attend and be prepared to “invite” unruly members of the public to leave the Planning Commission meeting chambers. For example, you may have residents with mental health issues attending meetings and threatening those who disagree with them. In one City, vague threatening statements were made at a neighborhood meeting. At the end of the meeting, when City staff left, they learned that all of their cars had been keyed. When people don’t feel safe or respected at meetings, it is appropriate to take actions to restore civility. If it is a group rather than an individual causing the disruption, then the room may be cleared. Members of the media must be allowed to stay. Discussion can only take place on items posted on the agenda.

Besides removing disruptive individuals, another way to encourage civil behavior is for the Planning Commissioners to lead by example. If the Commission consistently demonstrates courtesy and respect it can help to tone down some of the rhetoric. Put simply, the Commission must avoid criticism of individuals and their motivations. The Commission’s deliberations must focus on the merit of the proposal. While the Planning Commission Chair





can encourage everyone to behave in a civil manner, the Chair cannot stop people from expressing their opinions or criticizing the action of the Commission or others.

The Commission's agenda must provide an opportunity for the public to address the Commission on any item of interest to the public within the Commission's jurisdiction. The Planning Commission may adopt reasonable regulations to ensure that everyone has an opportunity to be heard in an orderly manner. This includes time limits which can help ensure that the Commission can complete its work. The time limits should not be so short that the public's position cannot be readily understood, for example thirty seconds.

Individual Planning Commissioners Should Be Prepared to Address Ethical Challenges

Most ethical challenges fall into one of two categories: Balancing two things that are both right or doing the right thing even when it may be costly to you personally or politically. For example, you might feel an ethical challenge when doing the right thing might jeopardize your appointed position – voting against a project championed by the Mayor. Or a vote may jeopardize a valued personal relationship. While it may be a hard decision, it is also easy in the sense that the right thing to do is obvious. It is accepting the cost which is onerous. Ethical provisions require that you do what is best for the public interest. This responsibility trumps your own personal interests and friendships. The other kinds of ethical challenges – deciding between competing public good or two rights – are more difficult. The one right thing to do is not so obvious. Should you approve a project that will generate badly needed additional sales tax revenue even though it will increase traffic impacting residents when there are no feasible mitigations?

Here are several steps to follow to help resolve an ethical problem.

1. Stop and define the problem. Avoid the temptation to go along to get along. Take the time to make sure you can clearly express, at least to yourself, what are your misgivings.
2. Collect the facts. Who is involved? How credible is the information you've been offered? How reliable are the people providing information? And is the information complete?



3. Refer to your guidance material. Whatever principles or codes or ordinances apply to your work, know what the recommendations are and how they would be applied.

4. Generate alternative courses of action and decide if they would have better probable outcomes. You can ask people individually or in a public setting, ask the Commission Chair to address the problem, or request a memo from the staff. When you have a list of alternatives, look for the ones that can help solve the problem while building ethical bridges to the rest of the commission.

5. Act on the best alternative. The best alternative reflects fulfilling your commitment to serve the public interest, doing the right thing, and minimizing the potential cost of following the right course.

Example: You have observed two members of the commission, in public meetings, urge the staff to waive the criteria for a variance to the subdivision standards for certain members of the development community. The commission usually goes along.

Answer: Using the above guidelines:

1. Stop and define the problem. Long time developers are receiving preferential treatment and are being granted variances to the subdivision standards without meeting the criteria.
2. Collect the facts. You always take detailed notes of the Commission's debate. Within the past six months, only two developers and all of their projects have been the subject of requests of staff by the same two commissioners. Each time, the argument is made to waive standards to support economic development and encourage homebuilding. Some of the waivers are minor; others are significant. But in each case, they are lobbying for the approval of subdivisions that are sub-standard.
3. Refer to guidance material. The APA Statement of Ethical Principles states that those who participate in the planning process should "Exercise fair, honest, and independent judgment." You believe the Commissioners are failing to achieve this standard and the credibility of the Commission has been affected.
4. Generate alternatives. Talk to the Chair of the Planning Commission. Talk to the two Planning Commissioners. Request a briefing from staff of the formal process of seeking variances and waivers. Invite a representative from the Texas Chapter of APA to discuss the potential long-term costs of waiving certain subdivision standards.



5. Act on the best alternative. You decide to talk to the Chair of the Planning Commission because this option doesn't preclude other actions if your conversation is not productive. It is your hope that together the two of you can approach the other Commissioners.

With all of the information provided in this chapter, it should feel more comfortable to answer the questions posed at the beginning of the Chapter.

Question: **Can I meet individually with applicants to hear about their project?**

Answer: _____

Question: **Should I take a tour of a project site with an applicant?**

Answer: _____

Question: **Can I discuss pending development projects at my neighborhood association meeting?**

Answer: _____

Question: **Can friends and neighbors offer me their opinions about pending projects?**

Answer: _____

Question: **What happens when my best friend has a project before the Planning Commission?**

Answer: _____

Question: **How can I do my job as a Planning Commissioner in a way that promotes fairness and objectivity?**

Answer: _____

WHEN YOU HAVE SERIOUS CONCERNS ABOUT ETHICAL MISCONDUCT

What can you do when there are ethical violations that taint the public planning process? When you notice a consistent pattern of unethical behavior and simple, direct remedies have failed, it may be time to consult with others who can bring to bear the influence of another entity.



In the case of alleged unethical conduct by a certified professional planner (AICP), you can conduct the Professional Development Officer of the APA Texas Chapter regarding a general question about accepted standards for behavior. To make a specific complaint, you should contact the Executive Director of the American Planning Association who serves as the Ethics Officer for the American Institute of Certified Planners. Contact information for these individuals is available on the Texas Chapter website: www.txplanning.org or that of the APA www.planning.org. Your peers from another jurisdiction can also be helpful in sorting out the issues and alternatives. This is particularly true when you have concerns about the conduct of a planner and you are not quite ready to consult with others.

What if the perceived problem lies with a fellow Commissioner or an elected official? You have a responsibility to act quickly to address ethical problems before they become scandals. It is often useful to assemble collective wisdom. The following steps include some from a publication from the Institute for Local Government :

1. Define and problem.
2. Collect the facts.
3. Determine the consequences of ignoring the situation.
4. Speak with others. See if they share your concerns. Do not gossip, but instead frame the conversation in terms of what needs to be done (if anything) to respond to the challenge.
5. Determine if an investigation is warranted.
6. Determine whether to contact external authorities.
7. Figure out what can be done to prevent a similar situation from occurring in the future.

These recommendations are not made lightly but with the full recognition that confronting problematic behavior may involve personal costs. Conversations can damage relationships. That's why it's best to begin with a one-on-one approach clarifying your understanding and, if things are as bad as you fear, helping a colleague to understand what can happen if the conduct does not change. By encouraging a colleague to refrain from the behavior, you are seeking to spare both the colleague as well as the City the embarrassment that will likely result. Depending on the magnitude of the transgression, you might choose to encourage the Commissioner to talk to an attorney. You

You have a responsibility to act quickly to address ethical problems before they become scandals.



can use the approach of confirming from an independent party the possible expenses that may accrue from continuing to flout the law. When you hear that the behavior is protected because no one will find out, debate that premise loudly. With all of the ways people can follow actions by Commissioners whether public or private, that strategy is bound to fail. Don't be surprised if the response remains guarded or even denial. As mentioned earlier, we all have an enormous capacity for believing that we are honest and ethical individuals and hence, our conduct is also upright.

It is a difficult lesson to learn, but nonetheless true that you as an individual will be judged by the conduct of the other Commissioners. You must be prepared to not only act ethically on your own, but also to hold others accountable when they fail to do so.

Ultimately, an ethical commissioner must be prepared to consider whether events are of such a serious nature as to require resignation to avoid guilt by association. Conversely, the Commissioner may decide, upon reflection, to maintain a lonely outpost as the ethical beacon. The lone Commissioner can be effective in a number of simple ways. One could request that the APA Statement of Ethical Principles be placed on an agenda of the Commission. A discussion can then occur without appearing to judge any individual(s). The Commissioner could request training on ethics as a part of the overall development program for volunteers. Even without bringing these outside resources to the table, consistently ethical actions by one Commissioner will, over time, raise the ethical consciousness of the entire Planning Commission for the benefit of the whole community.

What Happens When a Planning Commission Operations Unethically?

Most city attorneys will tell you that you will not be defended if you have violated the law.

There can be serious consequences for misconduct. If the administrative decision is tainted, it can be set aside. New proceedings are then required. An individual who fails to avoid conflicts of interest can lose her/his position on the Commission. If the ethical failing rises to the level of a charge of violating someone's due process rights under the constitution, there could be a lawsuit and damages awarded. Most city attorneys will tell you that you will not be defended if you have violated the law. The cost of the proceedings will have to be borne by the individual Planning Commissioners.



THE TAKEAWAY MESSAGE

Ethics for Planning Commissions is not an introspective process. You can be absolutely confident that you have put your personal interest aside, but the public may still question loudly whether that is true. Experienced Planning Commissioners know that the public's perception matters when you make your determination of what the right thing to do is. This does not mean yielding to prejudice or the loudest voice. Your responsibility remains to do what is best for your community, even if it is an unpopular choice. If you act on your best judgment (and leave outside the meeting room your personal or political or job-related interests), you will have solved 99% of the ethical conundrums. You can encourage ethical behavior simply by bringing the issue up. You and the other Commissioners should analyze issues for their ethical implications and have a shared understanding of how these issues should be addressed.

If you have taken the time to read to the end of this Chapter, you are ahead of the game!

Ethical Planning Commissioners:

1. Are clear about the behavior they demand of themselves and expect from others.
2. Promote an ethical culture within the Planning Commission and the community where they serve.
3. Have a strategy ready for dealing with ethical issues if they arise.



ATTACHMENT A

Ethical Principles in Planning (As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:



1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

6. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
7. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should



be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

8. Not use confidential information acquired in the course of their duties to further a personal interest;
9. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
10. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
11. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
12. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;



11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.



ATTACHMENT B

AICP Code of Ethics and Professional Conduct

Adopted March 19, 2005

Effective June 1, 2005

Revised October 3, 2009

The Executive Director of APA/AICP is the Ethics Officer as referenced in the following.

We, professional planners, who are members of the American Institute of Certified Planners, subscribe to our Institute's Code of Ethics and Professional Conduct. Our Code is divided into four sections:

Section A contains a statement of aspirational principles that constitute the ideals to which we are committed. We shall strive to act in accordance with our stated principles. However, an allegation that we failed to achieve our aspirational principles cannot be the subject of a misconduct charge or be a cause for disciplinary action.

Section B contains rules of conduct to which we are held accountable. If we violate any of these rules, we can be the object of a charge of misconduct and shall have the responsibility of responding to and cooperating with the investigation and enforcement procedures. If we are found to be blameworthy by the AICP Ethics Committee, we shall be subject to the imposition of sanctions that may include loss of our certification.

Section C contains the procedural provisions of the Code. It (1) describes the way that one may obtain either a formal or informal advisory ruling, and (2) details how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

Section D contains procedural provisions that govern situations in which a planner is convicted of a serious crime.

The principles to which we subscribe in Sections A and B of the Code derive from the special responsibility of our profession to serve the public interest with compassion for the welfare of all people and, as professionals, to our obligation to act with high integrity.

As the basic values of society can come into competition with each other, so can the aspirational principles we espouse under this Code. An ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.

As Certified Planners, all of us are also members of the American Planning Association and share in the



goal of building better, more inclusive communities. We want the public to be aware of the principles by which we practice our profession in the quest of that goal. We sincerely hope that the public will respect the commitments we make to our employers and clients, our fellow professionals, and all other persons whose interests we affect.

A: Principles to Which We Aspire

1. Our Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:

- a) We shall always be conscious of the rights of others.
- b) We shall have special concern for the long-range consequences of present actions.
- c) We shall pay special attention to the interrelatedness of decisions.
- d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.
- e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.
- f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.
- g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.
- h) We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.

2. Our Responsibility to Our Clients and Employers

We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer's interest. Such performance, however, shall always be consistent with our faithful service to the public interest.



- a) We shall exercise independent professional judgment on behalf of our clients and employers.
- b) We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.
- c) We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

3. Our Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

- a) We shall protect and enhance the integrity of our profession.
- b) We shall educate the public about planning issues and their relevance to our everyday lives.
- c) We shall describe and comment on the work and views of other professionals in a fair and professional manner.
- d) We shall share the results of experience and research that contribute to the body of planning knowledge.
- e) We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
- f) We shall contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues.
- g) We shall increase the opportunities for members of underrepresented groups to become professional planners and help them advance in the profession.
- h) We shall continue to enhance our professional education and training.
- i) We shall systematically and critically analyze ethical issues in the practice of planning.



- j) We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.

B: Our Rules of Conduct

We adhere to the following Rules of Conduct, and we understand that our Institute will enforce compliance with them. If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification:

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.
3. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith after consultation with other qualified professionals that our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our current client or employer and receive written permission to proceed with the assignment.
4. We shall not, as salaried employees, undertake other employment in planning or a related profession, whether or not for pay, without having made full written disclosure to the employer who furnishes our salary and having received subsequent written permission to undertake additional employment, unless our employer has a written policy which expressly dispenses with a need to obtain such consent.
5. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.
7. We shall not use to our personal advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in embarrassment or other detriment to the client or employer. Nor shall we disclose such confidential information except when (1) required by process of law, or (2) required to prevent a clear violation of law, or (3) required to prevent a substantial injury to the public. Disclosure pursuant to (2) and (3) shall not be made until after we have verified the facts and issues involved and, when practicable, exhausted efforts to obtain reconsideration of the matter and have sought separate opinions on the issue from other qualified professionals employed by our client or employer.
8. 8. We shall not, as public officials or employees, engage in private communications with planning pro-



cess participants if the discussions relate to a matter over which we have authority to make a binding, final determination if such private communications are prohibited by law or by agency rules, procedures, or custom.

9. We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
10. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.
11. We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.
12. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
13. We shall not sell, or offer to sell, services by stating or implying an ability to influence decisions by improper means.
14. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.
15. We shall not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.
16. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
17. We shall not use the product of others' efforts to seek professional recognition or acclaim intended for producers of original work.
18. We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.
19. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.
20. We shall not unlawfully discriminate against another person.
21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.
22. We shall not retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.
23. We shall not use the threat of filing an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another planner.
24. We shall not file a frivolous charge of ethical misconduct against another planner.
25. We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.
26. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First Class Mail if we are convicted of a "serious crime" as defined in Section D of the Code; nor immediately



following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section D of the Code.

C: Our Code Procedures

1. Introduction

In brief, our Code Procedures (1) describe the way that one may obtain either a formal or informal advisory ethics ruling, and (2) detail how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

2. Informal Advice

All of us are encouraged to seek informal ethics advice from the Ethics Officer. Informal advice is not given in writing and is not binding on AICP, but the AICP Ethics Committee shall take it into consideration in the event a charge of misconduct is later filed against us concerning the conduct in question. If we ask the Ethics Officer for informal advice and do not receive a response within 21 calendar days of our request, we should notify the Chair of the Ethics Committee that we are awaiting a response.

3. Formal Advice

Only the Ethics Officer is authorized to give formal advice on the propriety of a planner's proposed conduct. Formal advice is binding on AICP and any of us who can demonstrate that we followed such advice shall have a defense to any charge of misconduct. The advice will be issued to us in writing signed by the Ethics Officer. The written advice shall not include names or places without the written consent of all persons to be named. Requests for formal advice must be in writing and must contain sufficient details, real or hypothetical, to permit a definitive opinion. The Ethics Officer has the discretion to issue or not issue formal advice. The Ethics Officer will not issue formal advice if he or she determines that the request deals with past conduct that should be the subject of a charge of misconduct. The Ethics Officer will respond to requests for formal advice within 21 days of receipt and will docket the requests in a log that will be distributed on a quarterly basis to the Chair of the AICP Ethics Committee. If the Ethics Officer fails to furnish us with a timely response we should notify the Chair of the AICP Ethics Committee that we are awaiting a response.

4. Published Formal Advisory Rulings

The Ethics Officer shall transmit a copy of all formal advice to the AICP Ethics Committee. The Committee, from time to time, will determine if the formal advice provides guidance to the interpretation of the Code and should be published as a formal advisory ruling. Also, the Ethics Committee has the authority to draft and publish formal advisory rulings when it determines that guidance to interpretation of the Code is needed or desirable.

5. Filing a Charge of Misconduct



Any person, whether or not an AICP member, may file a charge of misconduct against a Certified Planner. A charge of misconduct shall be made in a letter sent to the AICP Ethics Officer. The letter may be signed or it may be anonymous. The person filing the charge is urged to maintain confidentiality to the extent practicable. The person filing the charge should not send a copy of the charge to the Certified Planner identified in the letter or to any other person. The letter shall accurately identify the Certified Planner against whom the charge is being made and describe the conduct that allegedly violated the provisions of the Rules of Conduct. The person filing a charge should also cite all provisions of the Rules of Conduct that have allegedly been violated. However, a charge will not be dismissed if the Ethics Officer is able to determine from the facts stated in the letter that certain Rules of Conduct may have been violated. The letter reciting the charge should be accompanied by all relevant documentation available to the person filing the charge. While anonymously filed charges are permitted, anonymous filers will not receive notification of the disposition of the charge. Anonymous filers may furnish a postal address in the event the Ethics Officer needs to reach them for an inquiry.

6. Receipt of Charge by Ethics Officer

The Ethics Officer shall maintain a log of all letters containing charges of misconduct filed against Certified Planners upon their receipt and shall transmit a quarterly report of such correspondence to the Chair of the Ethics Committee. Within two weeks of receipt of a charge, the Ethics Officer shall prepare a cover letter and transmit the charge and all attached documentation to the named Certified Planner, who shall be now referred to as “the Respondent.” The Ethics Officer’s cover letter shall indicate whether the Ethics Officer expects the Respondent to file a “preliminary response” or whether the Ethics Officer is summarily dismissing the charge because it is clearly without merit. A copy of the cover letter will also be sent to the Charging Party, if identified. If the cover letter summarily dismisses the charge, it shall be sent to an identifiable Charging Party by receipted Certified Mail. The Charging Party will have the right to appeal the summary dismissal as provided in Section 11. After the Ethics Officer has received a charge, the Charging Party may withdraw it only with the permission of the Ethics Officer. After receiving a charge, the Ethics Officer shall have a duty to keep an identified Charging Party informed of its status. If an identified Charging Party has not received a status report from the Ethics Officer for 60 calendar days, the Charging Party should notify the Chair of the AICP Ethics Committee of the lapse.

7. Right of Counsel

A planner who receives a charge of misconduct under a cover letter requesting a preliminary response should understand that if he or she desires legal representation, it would be advisable to obtain such representation at the earliest point in the procedure. However, a planner who elects to proceed at first without legal representation will not be precluded from engaging such representation at any later point in the procedure.

8. Preliminary Responses to a Charge of Misconduct

If the Ethics Officer requests a preliminary response, the Respondent shall be allowed 30 calendar days



from receipt of the Ethics Officer's letter to send the response to the Ethics Officer. The Ethics Officer will grant an extension of time, not to exceed 15 calendar days, if the request for the extension is made within the 30 day period. Failure to make a timely preliminary response constitutes a failure to cooperate with the Ethics Officer's investigation of the charge. A preliminary response should include documentation, the names, addresses and telephone numbers of witnesses, and all of the facts and arguments that counter the charge. Because the motivation of the person who filed the charge is irrelevant, the Respondent should not discuss it. The Ethics Officer will send a copy of the preliminary response to the Charging Party, if identified, and allow the Charging Party 15 calendar days from the date of receipt to respond.

9. Conducting an Investigation

After review of the preliminary response from the Respondent and any counter to that response furnished by an identified Charging Party, or if no timely preliminary response is received, the Ethics Officer shall decide whether an investigation is appropriate. If the Ethics Officer determines that an investigation should be conducted, he or she may designate a member of the AICP staff or AICP counsel to conduct the investigation. The Respondent must cooperate in the investigation and encourage others with relevant information, whether favorable or unfavorable, to cooperate. Neither the Ethics Officer, nor designee, will make credibility findings to resolve differing witness versions of facts in dispute.

10. Dismissal of Charge or Issuance of Complaint

If, with or without an investigation, the charge appears to be without merit, the Ethics Officer shall dismiss it in a letter, giving a full explanation of the reasons. The dismissal letter shall be sent to the Respondent and the Charging Party by receipted Certified Mail. If, however, the Ethics Officer's investigation indicates that a Complaint is warranted, the Ethics Officer shall draft a Complaint and send it to the Respondent by receipted Certified Mail, with a copy to the Charging Party. The Complaint shall consist of numbered paragraphs containing recitations of alleged facts. Following the fact paragraphs, there shall be numbered paragraphs of alleged violations, which shall cite provisions of the Rules of Conduct that the Ethics Officer believes are implicated. The allegations in the Complaint shall be based on the results of the Ethics Officer's investigation of the charge and may be additional to, or different from, those allegations initially relied upon by the Charging Party. The Ethics Officer shall maintain a log of all dismissals and shall transmit the log on a quarterly basis to the Chair of the Ethics Committee.

11. Appeal of Dismissal of Charge

Identified Charging Parties who are notified of the dismissal of their ethics charges shall have 30 calendar days from the date of the receipt of their dismissal letters to file an appeal with the Ethics Committee. The appeal shall be sent to the Ethics Officer who shall record it in a log and transmit it within 21 calendar days to the Ethics Committee. The Ethics Committee shall either affirm or reverse the dismissal. If the dismissal is reversed, the Ethics Committee shall either direct the Ethics Officer to conduct a



further investigation and review the charge again, or issue a Complaint based on the materials before the Committee. The Ethics Officer shall notify the Charging Party and the Respondent of the Ethics Committee's determination.

12. Answering a Complaint

The Respondent shall have 30 calendar days from receipt of a Complaint in which to file an Answer. An extension not to exceed 15 calendar days will be granted if the request is made within the 30 day period. In furnishing an Answer, the Respondent is expected to cooperate in good faith. General denials are unacceptable. The Answer must specifically admit or deny each of the fact allegations in the Complaint. It is acceptable to deny a fact allegation on the ground that the planner is unable to verify its correctness, but that explanation should be stated as the reason for denial. The failure of a Respondent to make a timely denial of any fact alleged in the Complaint shall be deemed an admission of such fact. The Ethics Officer may amend a Complaint to delete any disputed fact, whether or not material to the issues. The Ethics Officer also may amend a Complaint to restate fact allegations by verifying and adopting the Respondent's version of what occurred. The Ethics Officer shall send the Complaint or Amended Complaint and the Respondent's Answer to the Ethics Committee with a copy to an identified Charging Party. The Ethics Officer shall also inform the Ethics Committee if there are any disputed material facts based on a comparison of the documents.

13. Conducting a Hearing

a) If the Ethics Officer notifies the Ethics Committee that material facts are in dispute or if the Ethics Committee, on its own, finds that to be the case, the Chair of the Committee shall designate a "Hearing Official" from among the membership of the Committee. At this point in the process, the Ethics Officer, either personally or through a designated AICP staff member or AICP counsel, shall continue to serve as both Investigator-Prosecutor and as the Clerk serving the Ethics Committee, the Hearing Official and the Respondent. In carrying out clerical functions, the Ethics Officer, or designee, may discuss with the Ethics Committee and the Hearing Official the procedural arrangements for the hearing. Until the Ethics Committee decides the case, however, the Ethics Officer or designee shall not discuss the merits of the case with any member of the Committee unless the Respondent is present or is afforded an equal opportunity to address the Committee member.

b) The Ethics Officer shall transmit a "Notice of Hearing" to the Respondent, the Hearing Official and an identified Charging Party. The hearing shall normally be conducted in the vicinity where the alleged misconduct occurred. The Notice will contain a list of all disputed material facts that need to be resolved. The hearing will be confined to resolution of those facts. There shall be no requirement that formal rules of evidence be observed.

c) The Ethics Officer will have the burden of proving, by a preponderance of the evidence, that misconduct occurred. The Ethics Officer may present witness testimony and any other evidence relevant



to demonstrating the existence of each disputed material fact. The Respondent will then be given the opportunity to present witness testimony and any other evidence relevant to controvert the testimony and other evidence submitted by the Ethics Officer. The Ethics Officer may then be given an opportunity to present additional witness testimony and other evidence in rebuttal. All witnesses who testify for the Ethics Officer or the Respondent shall be subject to cross-examination by the other party. The Hearing Official shall make an electronic recording of the hearing and shall make copies of the recording available to the Ethics Officer and the Respondent.

d) At least 30 calendar days before the hearing, the Ethics Officer and the Respondent shall exchange lists of proposed witnesses who will testify, and copies of all exhibits that will be introduced, at the hearing. There shall be no other discovery and no pre-hearing motions. All witnesses must testify in person at the hearing unless arrangements can be made by agreement between the Respondent and the Ethics Officer prior to the hearing, or by ruling of the Hearing Official during the hearing, to have an unavailable witness's testimony submitted in a video recording that permits the Hearing Official to observe the demeanor of the witness. No unavailable witness's testimony shall be admissible unless the opposing party was offered a meaningful opportunity to cross-examine the witness. The hearing shall not be open to the public. The Hearing Official shall have the discretion to hold open the hearing to accept recorded video testimony of unavailable witnesses. The Respondent will be responsible for the expense of bringing his or her witnesses to the hearing or to have their testimony video recorded. Following the closing of the hearing, the Hearing Official shall make findings only as to the disputed material facts and transmit the findings to the full Ethics Committee, the Ethics Officer, and the Respondent. The Hearing Official, prior to issuing findings, may request that the parties submit proposed findings of fact for his or her consideration.

14. Deciding the Case

The Ethics Committee (including the Hearing Official member of the Committee) shall resolve the ethics matter by reviewing the documentation that sets out the facts that were not in dispute, any fact findings that were required to be made by a Hearing Official, and any arguments submitted to it by the Respondent and the Ethics Officer. The Ethics Officer shall give 45 calendar days' notice to the Respondent of the date of the Ethics Committee meeting during which the matter will be resolved. The Ethics Officer and the Respondent shall have 21 calendar days to submit memoranda stating their positions. The Ethics Officer shall transmit the memoranda to the Ethics Committee no later than 15 calendar days prior to the scheduled meeting. If the Committee determines that the Rules of Conduct have not been violated, it shall dismiss the Complaint and direct the Ethics Officer to notify the Respondent and an identified Charging Party. If the Ethics Committee determines that the Ethics Officer has demonstrated that the Rules of Conduct have been violated, it shall also determine the appropriate sanction, which shall either be a reprimand, suspension, or expulsion. The Ethics Committee shall direct the Ethics Officer to notify the Respondent and an identified Charging Party of its action and to draft a formal explanation of its decision and the discipline chosen. Upon approval of the Ethics Committee, the expla-



nation and discipline chosen shall be published and titled “Opinion of the AICP Ethics Committee.” The determination of the AICP Ethics Committee shall be final.

15. Settlement of Charges

a) Prior to issuance of a Complaint, the Ethics Officer may negotiate a settlement between the Respondent and an identified Charging Party if the Ethics Officer determines that the Charging Party has been personally aggrieved by the alleged misconduct of the Respondent and a private resolution between the two would not be viewed as compromising Code principles. If a settlement is reached under such circumstances, the Charging Party will be allowed to withdraw the charge of misconduct.

b) Also prior to issuance of a Complaint, the Ethics Officer may enter into a proposed settlement agreement without the participation of an identified Charging Party. However, in such circumstances, the proposed settlement agreement shall be contingent upon the approval of the Ethics Committee. An identified Charging Party will be given notice and an opportunity to be heard by the Ethics Committee before it votes to approve or disapprove the proposed pre-Complaint settlement.

c) After issuance of a Complaint by the Ethics Officer, a settlement can be negotiated solely between the Ethics Officer and the Respondent, subject to the approval of the Ethics Committee without input from an identified Charging Party.

16. Resignations and Lapses of Membership

If an AICP member who is the subject of a Charge of Misconduct resigns or allows membership to lapse prior to a final determination of the Charge (and any Complaint that may have issued), the ethics matter will be held in abeyance subject to being revived if the individual applies for reinstatement of membership within two years. If such former member, however, fails to apply for reinstatement within two years, the individual shall not be permitted to reapply for certification for a period of 10 years from the date of resignation or lapse of membership. If the Ethics Officer receives a Charge of Misconduct against a former member, the Ethics Officer shall make an effort to locate and advise the former member of the filing of the Charge and this Rule of Procedure.

17. Annual Report of Ethics Officer

Prior to January 31 of each calendar year the Ethics Officer shall publish an Annual Report of all ethics activity during the preceding calendar year to the AICP Ethics Committee and the AICP Commission. The AICP Commission shall make the Annual Report available to the membership.

D: Planners Convicted of Serious Crimes — Automatic Suspension of Certification

1. Automatic Suspension Upon Conviction for “Serious Crime”

We acknowledge that if we are convicted of a “serious crime,” our certification and membership shall be automatically suspended indefinitely. The automatic suspension applies whether the conviction result-



ed from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. A “serious crime” shall include any crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns or to pay the tax, deceit, bribery, extortion, misappropriation, theft, conflict of interest, or an attempt to or a conspiracy or solicitation of another to commit a “serious crime.”

2. Duty to Notify Ethics Officer When Convicted of “Serious Crime.”

As required by Rule of Conduct 26, in Section B of the Code, we shall notify the Ethics Officer both by receipted Certified and Regular First Class Mail if we are convicted of a “serious crime” as defined in Paragraph 1. We understand that failure to do so shall result in a delay in the commencement of the one year waiting period for filing reinstatement petitions as provided for in Paragraph 3.

3. Petition for Reinstatement of Certification and Membership

Upon learning of the conviction of a Certified Planner for a serious crime, the Ethics Officer shall send the convicted individual by receipted Certified and Regular First Class Mail to the last address of record a Notice of Suspension of AICP Membership and Certification. The Notice shall advise the individual that one year from the date of the Notice, but in no event prior to release from incarceration, he or she may petition the AICP Ethics Committee for reinstatement. A Petition for Reinstatement shall be sent to the Ethics Officer, who shall forward it to the Ethics Committee. The Ethics Committee shall in its sole judgment determine whether reinstatement is appropriate and if so whether and what conditions shall be applied to such reinstatement. The Ethics Officer shall transmit the reinstatement determination to the petitioner. If the Ethics Committee denies the Petition, the Ethics Officer shall transmit the denial to the petitioner along with notice that the petitioner shall have the opportunity to file a subsequent petition after 12 months from the date of the Ethics Committee’s determination.

4. Publication of Conviction for Serious Crime:

If, while we are Certified Planners, we are convicted of a serious offense, as defined in Paragraph 1, we authorize the Ethics Officer to publish our name and a description of the crime we committed in a publication of AICP and of the American Planning Association. This authority to publish shall survive the voluntary or involuntary termination or suspension of our AICP membership and certification.

ATTACHMENT C

BY-LAWS FOR PLANNING AND ZONING COMMISSION

CITY OF COLLINSVILLE, TEXAS

Used with the Permission of the City of Collinsville, Troy Vanoy, approved March, 2013.



By-Laws of the Planning Commission of the City of Collinsville, State of Texas, as established on March, 2001.

Article 1: Authority

Authority was given to Planning and Zoning as a Board by the City Council of Collinsville, State of Texas. City of Collinsville Zoning Ordinance.

Article 2: Jurisdiction

- The Jurisdiction of this board includes all property within the city limits of Collinsville, Texas, as well as any and all property within the extra-territorial jurisdiction (ETJ) of the city.
- The amount of property that falls within the ETJ is defined by State law and is based upon the current population of the city. At the present time, the ETJ for the City of Collinsville includes all area up to one-half of a mile beyond the city limits.
- All recommendations will be heard on next planned agenda and decision will be made by the Planning and Zoning board no more than 90 days from the date of the recommendation being presented to the board.

Article 3: Appointment and Terms of Members

- All appointments to the Planning and Zoning board are made by the City Council.
- The Planning and Zoning board consists of five members who must be a resident either in the city limits of Collinsville, or live within five (5) miles of the city limits of Collinsville. However in the event that a bordering county line is less than five (5) miles of the Collinsville City limits, the mileage limit stops at the Grayson County line.
- Each appointment to the Planning and Zoning board is for a two year period. If a member is unable to complete their two year term, the City Council will vote on a replacement to complete that portion of the unexpired term. Members are elected in overlapping terms, i.e., in one year two positions are appointed for two year terms and in the next year three positions are appointed for two year terms.

Article 4: Planning Commission Officers and their Duties

- Chairperson- presides at all hearings and meetings of the commission, assures proper order of the commission and the public in all proceedings, signs all documents of the commission, and represents the commission before legislative and administrative bodies.
- Vice-chairperson- provides orientation to new planning commission members, and, in the absence of the chairperson, performs all of the chairperson's duties. If applicable, prepares the annual report of planning commission activities and coordinates the annual meeting of the planning commission.
- Secretary- prepares all official instruments of the planning commission, records the proceedings of all hearings and meetings; together with the chairperson signs all documents of the planning commission, and assures the proper indexing of all planning commission documents as public records.
- Chairperson-Pro-Temp- where both the chairperson and vice chairperson are absent from a hear-



ing or meeting, the remainder of the members of the planning commission shall elect a chairperson-pro-temp from among their own number by majority vote.

- Treasurer (NOT APPLICABLE AT THIS TIME)- where a planning commission retains direct control over the budget for operations and staff, the treasurer shall maintain complete, accurate and orderly accounts in preparation for the annual audit, and together with the chairperson shall sign all authorizations and payments of funds.

Article 5: Staff of the Commission and their Duties

- Consultants- the planning commission may hire consultants to perform planning related activities under terms of a contract prepared by the Planning and Zoning Commission and approved by the City Council.
- Legal counsel- the county attorney or municipal director of law shall serve as legal counsel to the planning commission; prepares memoranda of law as requested by the planning commission, and reviews drafts of ordinances, resolutions, and by-laws, and their amendment.
- Director of Planning (NOT APPLICABLE AT THIS TIME)- advises the planning commission, legislative body, and chief administrative officer on matters related to planning, development, and redevelopment, coordinates and supervises the work of all other staff and consultants, prepares all documents for presentation to the planning commission, and assists the chairperson and secretary in the exercise of their duties; the director of planning or designee shall have the privilege to address the planning commission during regular meetings.
- Zoning Administrator (NOT APPLICABLE AT THIS TIME)- advises the planning commission on all matters regarding the regulation of development, prepares all related documents for presentation to the planning commission, and serves as staff to the board of zoning appeals.
- Commission staff (NOT APPLICABLE AT THIS TIME) - the planning commission may appoint other staff members to carry-out appropriate functions.

Article 6: Hearings of the Planning Commission

- Public hearing- a noticed official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the planning commission, for which publicly-accessible minutes must be prepared; the planning commission may neither deliberate nor take a substantive vote during a public hearing.
- Working Session- a noticed official hearing open to the public to discuss specific matters before the commission; the intent of the working session is informational; the planning commission may neither deliberate nor take a substantive vote during a working session, however publicly-accessible minutes may be prepared.

Article 7: Meetings of the Planning Commission

- Regular meeting- a noticed official meeting, open to the public, during which the planning commission deliberates and may take substantive votes on specific terms, for which publicly-accessible



minutes will be prepared.

- Emergency meeting- in the event of a true emergency, the chairperson, with the assent of a majority of planning commission members contacted by telephone, may call an emergency meeting without notice; such meeting is open to the public; publicly-accessible minutes shall carry the specific justification for such meetings.
- Executive meeting- a noticed official meeting, closed to the public, whose topics of deliberation are truly confidential in nature; there shall be neither deliberation nor vote on agendized items before the commission.

Article 8: Order of a Public Hearing

1. Sign-in sheets by agenda item, listing printed name, signature, address of persons wishing to testify, and indication of support or opposition to items.
2. Call to order and determination of quorum.
3. Presentation by commissioner (or staff if applicable) summarizing the item.
4. Testimony of agencies related to the item.
5. Presentation by the applicant.
6. Testimony of the proponents.
7. Testimony of the opponents.
8. Concluding comments of the applicant.
9. Concluding comments of the commissioner (or staff if applicable).
10. Request of the Chairperson for a motion to close the public hearing.

Article 9: Order of a Regular Meeting

1. Call to order and determination of quorum.
2. Approval of the minutes of the previous meeting.
3. Items carried-over from a previous agenda:
 - a. Matters regarding the comprehensive plan
 - b. Matters regarding capital improvements
 - c. Matters regarding subdivision of land
 - d. Matters regarding zoning of land
 - e. Matters regarding other regulatory action
4. Items of the present agenda, presented in the same order as above.
5. Other business.
6. Review of the planning commission calendar and announcement of future meetings.
7. Request of the chairperson for a motion to adjourn.

Article 10: Form and Character of Motions

The form and character of motions shall conform to those offered within Robert's Rules of Order, Revised, except as specified below.



- Upon review of the full public record and due deliberation among members of the planning commission, any of its members, except the chairperson, may make a substantive motion. The motion shall include not only direction (Approval, Approval with specified conditions, or Disapproval) but also a recitation of findings which support the motion.
- A second, citing compatible finding shall be required.
- Other commission members may support the motion with other compatible findings.
- A motion shall die for lack of second.
- Where a motion to disapprove an item has been defeated, a member of the planning commission initially in the opposition may make a motion to approve or approve with conditions.

Article 11: Quorum and Voting Requirements

- A majority of the members of the planning commission shall constitute a quorum.
- A majority of the members of the planning commission shall be required to pass a motion.
- All votes shall be taken by the Chairperson in random order, with the Chairperson not voting except as needed to break a tie vote.
- If a member abstains from voting, their vote shall not be counted in the determination of a motion, but it shall be recorded in the minutes as an abstaining vote.

Article 12: Requirements for the Submission of Requests

- The planning commission shall adopt standard forms for the submission of each type of request required for its consideration; such forms shall specify the schedule of submission, form and content of complementary materials, and scale and content of drawings.
- The secretary of the planning commission shall certify the completeness of submissions.
- Certified requests shall be fully noticed under requirements of law and agendaized on the planning commission calendar on the same day.
- Any request disapproved by the planning commission shall not be resubmitted for a period of six months unless the Planning and Zoning Commission shall determine that a new hearing is justified prior to the expiration of the six months waiting period.
- An application for the same type of amendment shall not be received on the same property more often than once in each twelve (12) month period unless the Planning and Zoning Commission shall determine that a change of conditions justifies a new hearing prior to expiration of the twelve (12) month period.
- A fee schedule has been put in place by the City Council to recover costs associated with notice publication, request processing, agenda, and related materials duplication and distribution; moreover, the planning commission may require the applicant to post signs on the affected property, in conformance with provisions of the ordinance, and to notify adjacent property owners, tenants, and community residents of the nature of the applicant's request.



Article 13: Instruments and Documents of the Planning Commission

- The official instruments of the planning commission are the record of notice, and agenda, and the minutes of hearings and meetings. Where in special cases the planning commission wishes to provide advice to the legislative body or administrative agency, it may do so by resolution.
- Any and all materials submitted to the planning commission regarding an item shall be entered into public record by a motion to “Accept for the record”.
- All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, minutes of hearings and meetings, and resolutions shall constitute the documents of the planning commission and shall be indexed as a matter of public record.

Article 14: Administrative Calendar

- Notice for all hearings and meetings shall conform to requirements of law.
- Terms for two year appointments begin at the first regular meeting of the Planning and Zoning board in July.
- The regular meetings of the Planning and Zoning board are normally scheduled on the fourth Tuesday of each month. Additional meetings or hearings are scheduled as needed.
- Copies of the agenda and any related documents shall be delivered to each planning commission member no less than five working days prior to a public hearing and regular meeting.

Article 15: Conduct of the Members of the Planning Commission

- Members of the planning commission shall take such time as to prepare themselves for hearings and meetings.
- Any member of the planning commission absent from three consecutive regular meetings or any six regular meetings within a calendar year, without being excused by the Chairperson, may be removed for cause.
- A planning commission member with a conflict of interest in an item before the commission must state that a conflict of interest exists and withdraw from participation in the public hearing, working session, emergency meeting, or regular meeting on that item.
- The interests of that planning commission member may be represented before the planning commission by a specifically designated representative or legal agent at the public hearing or working session, and testimony entered into the public record.
- Participation of a planning commission member with a conflict of interest is cause for removal.

Article 16: Conduct of Persons Before the Planning Commission

- During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to “disregard” the comment, which nevertheless may, at the discretion of the board, remain in the public record.



- During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.
- During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

Article 17: Separability

- Should any article of the planning commission by-laws be found to be illegal, the remaining articles shall remain in effect.

Article 18: Adoption and Amendment of By-Laws

- By-Law adoption or amendment shall be made following review by the legal counsel and public hearing.
- The by-laws shall be adopted or amended upon a vote of a majority of the members of the planning commission.
- Adoption or amendment of by-laws takes effect immediately following a successful vote.

Adopted: March 2001

Amended & Approved: December 2012



ATTACHMENT D

Used with permission from the City of Arlington, Lyndsay Mitchell, June, 2013.



PLANNING AND ZONING COMMISSION: PARTICIPATING AT PUBLIC HEARINGS

If you are interested in giving public testimony at Planning and Zoning Commission and City Council public hearings, the following information will help you become familiar with the procedures of the City Council and Planning and Zoning Commission.

Procedures for participating at a Planning and Zoning Commission or City Council public hearing

Procedures for participating at a Planning and Zoning Commission or City Council public hearing are the same, unless noted below

1. Fill out a speaker card and return it to the box at the front of the Council Chamber (for the Planning and Zoning Commission) and to the desk at the entrance of the Council Chamber (for City Council).
2. The applicant or the applicant's representative is allowed 10 minutes to speak. All other speakers for or against the items are given 5 minutes. In the event a total of five or more people are registered to speak on one side of an issue, the 10 minute time is reduced to 5 minutes and the 5 minute time is reduced to 3 for that side of the hearing. The proponent is allowed 5 minutes for rebuttal.
3. Developers who wish to make presentations to an evening City Council session should contact or make arrangements with the Community Development & Planning department at 817-459-6664.

Procedures for Registering Support or Opposition on a Public Hearing Item

1. Fill out a speaker card and return it to the box at the front of the Council Chamber (for the Planning and Zoning Commission) and to the desk at the entrance of the Council Chamber (for City Council).
2. Citizens anticipating being absent during the public hearing may write a letter in support or opposition and have it submitted by a representative or mail it to the City Council or Planning and Zoning Commission.
3. Registration of support or opposition (individual form, group form) on any item on the agenda must be submitted before or at the public hearing on the day of the hearing.

Procedures for Citizens Who Wish to Speak on an Item not on the City Council Agenda

1. Fill out a speaker card and return it to the desk at the entrance of the Council Chamber.
2. Speakers are given a 5 minute time limit.



ATTACHMENT E

Used with the permission of the City of San Gabriel, Mark Gallatin, March, 2013.



Welcome...

TO YOUR SAN GABRIEL PLANNING COMMISSION MEETING

Meetings are held on:
Second Monday of every month at 6:30 p.m.
City Hall Council Chambers
425 South Mission Drive
Second Floor

Welcome to the Planning Commission! We are glad you can join us. We want you to enjoy your visit, and have prepared this brochure to help explain the role and conduct of Planning Commission meetings.

What the Commission Does

The **Planning Commission** consists of five volunteer citizens who are appointed by your City Council to help guide San Gabriel's growth, development, and quality of life. There are two types of actions the Planning Commission takes:



- **Legislative Actions:** *The Planning Commission bears testimony and makes recommendations to the City Council on these types of applications: zone changes, general plan amendments, specific plans, and ordinance amendments. In this role, the Commission makes recommendations only – all these actions are then referred to the City Council for action.*
- **Quasi-Judicial Actions:** The Planning Commission can approve, conditionally approve, or deny: Conditional Use Permits, Variances, Master Plans, and other types of applications. The Commission also certifies environmental impact reports. **In this role, Planning Commission decisions are usually final unless appealed.**

How Can I Speak at a Meeting?

If you would like to speak, fill out a speaker's card with your name and address, give it to the secretary and you will be called upon at the appropriate time. Written comments can be given to a planning staff any time before a public hearing is closed. For items not on the agenda, you may speak during the time set aside for public comment. Otherwise, you may speak during the public hearings.

THE PUBLIC HEARING

Many Planning Commission matters are public hearing items, during which you as a member of the public have the opportunity to testify.

1. **ANNOUNCEMENT OF EACH ITEM:** The chairman announces each item in the order listed on the agenda. Agendas are available in the Council Chambers before each meeting.
2. **STAFF REPORT AND PRESENTATION:** The Community Development staff prepares a report regarding each proposal. A member of the staff will summarize it orally, answer any questions, and clarify issues the Commission may have. Reports are available in the Planning Division Office prior to each meeting.
3. **PRESENTATION OF EACH APPLICANT:** The applicant requesting approval of an application is given time to state his or her position in favor of the proposal.
4. **PUBLIC HEARING:** Once the Chairman invites members of the public to speak on each proposal, you may come to the podium to speak. You may also present exhibits, which become part of the City's official case file. **Please remember:**

- **Show courtesy and respect for everybody** by addressing all comments to the Chair and the Commission, not to the audience or staff members.
- **Keep comments brief and non-repetitive** so that everyone gets a chance to speak.
- **Always identify yourself** for the public record by stating your name and address.
- **Speak clearly** into the microphone.



5. **DISCUSSION AND VOTE BY THE COMMISSION:** After receiving all testimony, the Chairman **closes the public hearing**, and the Commission discusses each proposal. Members of the Commission may ask questions of individuals or the staff. The Commission then votes on each proposal. *The public cannot testify once public hearing has been closed.*

Can I Appeal Planning Commission Decisions?

For quasi-judicial actions like variances and conditional use permits, you may appeal decisions made by the Planning Commission to the City Council within 10 business days of the decision. If no appeal is filed, the decisions are made final. For legislative actions where the Planning Commission's action is only a recommendation, these will be reheard by the City Council; you may contact staff to receive notice of the Council hearing date. If you are not certain what your appeal rights are, simply ask any staff member at the meeting.

Thank you for coming! For more information about items on this agenda, please contact us at:

Community Development Department

425 South Mission Drive

San Gabriel, CA 91776

Phone: (626) 308-2806

Fax: (626) 458-2830

Web: www.sangabrielcity.com



ATTACHMENT F

PUBLIC SERVICE VALUES

From The Institute for Local Government web site: http://www.ca-ilg.org/sites/main/files/file-attachments/Basics_PersOrgEthic_WM.pdf. Site accessed June 5, 2013.

Public Service Values

How do core ethical values translate into action in public service? Here are examples of what values mean in practice.

Trustworthiness

I remember that my role is first and foremost to serve the community.

I am truthful with my colleagues, the public and others.

I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.

I do not accept gifts or other special considerations because of my public position.

I do not knowingly use false, inaccurate or biased information to support my position.

I do not use my public position for personal gain.

I carefully consider any promise I make and then keep it.

Fairness

I make decisions based on the merits of the issues.

I honor the law's and the public's expectation that agency policies will be applied consistently.

I support the public's right to know and promote meaningful public involvement.

I support merit-based processes for the award of public employment and public contracts.

I am impartial and do not favor those who either have helped me or are in a position to do so.

I promote equality and treat all people equitably.

I excuse myself from participating in matters when my or my family's financial interests may be affected by my agency's actions.

I credit others' contributions in moving our community's interests forward.

I maintain consistent standards, but am sensitive to the need for compromise, creativity and improving existing paradigms.

Responsibility

I work to improve the quality of life in the community and promote the best interests of the public.

I promote the efficient use of agency resources.

I do not use agency resources for personal or political benefit.

I represent the official positions of the agency to the best of my ability when authorized to do so.

I explicitly state that my personal opinions do not represent the agency's position and do not allow the



inference that they do.

I take responsibility for my own actions, even when it is uncomfortable to do so.

I do not use information that I acquire in my public capacity for personal advantage.

I do not promise that which I have reason to believe is unrealistic.

I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political or professional advantage.

I do not disclose confidential information without proper legal authorization.

I am proactive and innovative when setting goals and considering policies.

I consider the broader regional and statewide implications of the agency's decisions and issues.

I promote intelligent innovation to move forward the agency's policies and services.

Respect

I treat everyone with courtesy and respect, even when we disagree.

I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.

I gain value from diverse opinions and build consensus.

I follow through on commitments, keep others informed, and provide timely responses.

I am approachable and open-minded, and I convey this to others.

I listen carefully and ask questions that add value to discussions.

I involve all appropriate stakeholders in meetings affecting agency decisions.

I come to meetings and I come to them prepared.

I work to improve the quality of life in my community.

Compassion

I realize that some people are sometimes intimidated by the public process and try to make their interactions as stress-free as possible.

I convey the agency's care for and commitment to its community members.

I am attuned to, and care about, the needs and concerns of the public, officials, and staff.

I recognize a responsibility to society's less fortunate.

I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

I safeguard confidential information.

I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.

I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.

I don't oppose final decisions once they have been made by the decision makers, except through inter-



American Planning Association
Texas Chapter

A Guide to Urban Planning in Texas Communities 2013

nal lines of communication.

I put loyalty to the public's interests above personal, professional and political loyalties.

HOME RULE CHARTER

ARTICLE 9 - PLANNING & ZONING COMMISSION^{*}

^{*} State law reference—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

SECTION 9.01 Organization

- (a) There is hereby established a Planning & Zoning Commission consisting of seven members appointed by the City Council to staggered terms of two years.
- (b) The Commission members must be qualified City voters.
- (c) No member may serve on the Commission for more than three completed consecutive terms, exclusive of any unexpired term to which the member may have been appointed to fill due to a vacancy on the Commission. Any vacancy occurring during the unexpired term of a member may be filled by the City Council for the remainder of the unexpired term. In July of each year, or during the Commission's next meeting after July if the Commission does not meet in July, the Commission must elect from its members a Chairman, Vice Chairman, and Secretary to serve for one year beginning in that month. Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the full membership of the City Council.
- (d) The Commission must meet at least once a month. If, however, there is no required business before the Commission during a given month, then the Commission may cancel or refrain from scheduling a meeting during that month. The Commission must keep minutes of its proceedings which must be of public record. Minutes will be recorded by the Commission Secretary. The Commission serves without compensation.
- (e) Four voting Commission members constitute a quorum for the purpose of transaction of business. No action or recommendation of the Commission, except as specifically provided in this Charter, is valid or binding unless adopted by the affirmative vote of a majority of the Commission members present.

SECTION 9.02 Duties and Powers

- (a) The Commission is responsible to and acts as an advisory board to the City Council. The Commission has the duty to:
 - (1) review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (2) make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
 - (3) keep public records of its resolutions, findings and determinations; and
 - (4) review plats and zoning requests and make recommendations to the City Council for approval or disapproval of same.
- (b) The Commission has full power to:
 - (1) exercise the authority of the Commission as provided by state law, this Charter and City ordinances;
 - (2) make reports and recommendations relating to the Comprehensive Plan and development of the City; and
 - (3) approve plats, if it has been given that authority by the City Council.
- (c) A vote of three-fourths of the Council Members present, or four votes, whichever is greater, is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement, or change be denied.

SECTION 9.03 Procedure

- (a) Each August, all rules and regulations adopted by the Commission must be forwarded in writing to the City Manager who must submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If

any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council.

(b) Should any person on the Commission have a conflict of interest, under any state law or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he or she must openly declare same before discussion proceeds, and is then prohibited from discussing or voting on, and is not considered as present and voting for the purposes of the tally.

(c) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote must be recorded as a negative vote in the official minutes of the meeting.

SECTION 9.04 The Comprehensive Plan: Procedure and Legal Effect

(a) The Comprehensive Plan must include, but not be limited to, the Future Land Use Plan, Thoroughfare Use Plan, and Parks and Open Space Plan. The existing Comprehensive Plan for the physical development of the City contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the Comprehensive Plan must be by ordinance or resolution, but before any such revision, the Commission must hold at least one public hearing on the proposed action.

(b) A copy of the proposed revisions to the Comprehensive Plan must be forwarded to the City Manager who must submit the proposal to the City Council, together with the City Manager's recommendations, if any. The City Council, after a public hearing, may adopt or reject such proposed revision or any part of it as submitted within 60 days following its submission by the City Manager. If all or part of the proposed revisions are rejected by the City Council, the City Council may request the Commission to make other modifications and again forward it to the City Manager for submission to the City Council.

(c) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it must serve as a guide to all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Plan is not authorized until and unless the location and extent of the deviation has been submitted to and approved by the Commission. In case of denial, the Commission must communicate its reasons to the City Council, which has the power to overrule such denial with a vote of the majority of the Council Members present, and upon such overruling, the City Council or the appropriate office, department or agency has authority to proceed.

SECTION 9.05 Board of Adjustment

The City Council must create and establish or maintain a board of adjustment. The City Council must, by ordinance, provide standards and procedures for such board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the City Council or by law. Appointment and removal of members of the board of adjustment must be in accordance with the provisions of [Article 8, Sec. 8.01](#)(b) of this Charter and state law.

CITY OF ANNA CODE OF ORDINANCES

ARTICLE 9.04 ZONING ORDINANCE

*** Editor's note**—This article consists of the zoning ordinance previously published as part III-C in the 2008 Code. Section and subsection numbers, style, capitalization and formatting have been changed to be consistent with the remainder of the Code of Ordinances, and this will be maintained in future amendments to this chapter. Amendments will be inserted in their proper place and denoted by a history note following the amended section.

Charter references—Planning and zoning commission, art. 9; board of adjustment, sec. 9.05.

Sec. 9.04.041 Planning and zoning commission

(a) Creation of planning and zoning commission. There is hereby created a planning and zoning commission which shall be organized, appointed and function as follows:

(1) The planning and zoning commission shall consist of seven members who are residents of the city, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Provided, however, that the city council may appoint two alternate members of the planning and zoning commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairman or city manager, as the case may be; and

(2) The terms of four members shall expire in May of each odd-numbered year and the terms of three of the members shall expire in May of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

(b) Organization. The commission shall hold an organizational meeting in July of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.

(c) Duties and powers. The planning and zoning commission is hereby charged with the duty and invested with the authority to:

(1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.

(2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan.

(3) Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.

(4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Chapters 211 and 213, Texas Local Government Code, as amended, authorizing municipalities to pass zoning regulations; all powers granted under said statutes are specifically adopted and made a part hereof.

(5) Exercise all the powers of a commission as to recommendations to the city council relating to approval or disapproval of plans, plats, amending plats, or replats set out in Chapter 212, Texas Local Government Code, as amended.

(6) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.

- (7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the city.
- (8) Initiate, in the name of the city, for consideration at public hearing all proposals:
- (A) For the opening, vacating or closing of public rights-of-way, parks or other public places; or closing of public rights-of-way, parks or other public places; or
 - (B) For the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.
- (9) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- (10) Submit each May a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of commission officers.
- (d) Meeting and quorum. A quorum for the conduct of business shall consist of four members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

(2008 Code, pt. III-C, sec. 42; Ordinance 862-2020 adopted 6/23/20)

State law reference—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.



Item No. 6.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action to approve minutes of the June 6, 2022 Planning & Zoning Commission Meeting.

SUMMARY:

June 6, 2022 Planning & Zoning Commission Meeting Minutes.

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATIONS:

ATTACHMENTS:

1. 06-06-2022 PZ Minutes

**MINUTES
PLANNING AND ZONING COMMISSION
June 6, 2022**

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on June 6, 2022, at the Anna ISD Board Room located at 201 E. 7th Street, to consider the following items.

1. Call to Order and Establishment of Quorum

The meeting was called to order at 7:01 p.m.

Commissioners present were Kelly Patterson-Herndon, David Nylec, Dennis Ogan, Douglas Hermann, Michelle Clemens and Paul Wenzel. Commissioner LaToya Grady was absent. Staff present was Ross Altobelli, Lauren Mecke, and Salena Tittle. City Attorney Clark McCoy and Councilmen Randy Atchley and Pete Cain was also in attendance.

2. Invocation and Pledge of Allegiance

Commissioner Ogan gave the invocation and led the Pledge of Allegiance.

3. Citizen Comments: At this time, any person may address the Planning and Zoning Commission regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

4. Location Map

Planning & Zoning Commission Organizational Review

5. Annual Planning & Zoning Commission Review

A. Elect a Planning & Zoning Commission Chairman.

A motion was made by Commissioner Ogan, seconded by Commissioner Clemens to elect Commissioner Kelly Patterson-Herndon as Chairwoman. The vote was unanimous.

B. Elect a Planning & Zoning Commission Vice-Chairman.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Hermann to elect Commissioner Clemens as Vice-Chairwoman. The vote was unanimous.

Capital Improvements Advisory Committee

6. Call to Order and Establishment of Quorum.

Committee members present were Kelly Patterson-Herndon, David Nylec, Dennis Ogan, Douglas Hermann, Michelle Clemens, Paul Wenzel, and Leslie Voss. Committee member LaToya Grady was absent.

The meeting was called to order at 7:11 p.m.

7. Consider/Discuss/Action on a recommendation regarding a modification to the impact fees.

Public Works Director, Greg Peters, gave a brief presentation and answered any questions that the Commission had.

A motion was made by Commissioner Wenzel, seconded by Commissioner Hermann to approve the proposed impact fee modifications. The vote was unanimous with a 7-0 vote.

8. Adjourn Capital Improvements Advisory Committee.

A motion was made by Commissioner Hermann, seconded by Commissioner Ogan to adjourn the Capital Improvements Advisory Committee portion of the meeting at 7:48 p.m. The vote was unanimous.

Consent Items

A motion was made by Commissioner Wenzel, seconded by Commissioner Hermann to recommend approval of consent items 9-19. The vote was unanimous.

9. Consider/Discuss/Action to approve minutes of the May 2, 2022 Planning & Zoning Commission Meeting.
10. Consider/Discuss/Action on the Franklin Estates, Block A, Lot 1, Development Plat. Applicant: Scott Alex Franklin.
11. Consider/Discuss/Action on the Evans Westover Addition, Block A, Lots 1, 2, & 3, Replat. Applicant: Judy M. Evans.
12. Consider/Discuss/Action on the Three Creeks Ranch Estates, Block 1, Lots 3R & 4R, Replat. Applicant: Michael and Kristal Willoughby.
13. Consider/Discuss/Action on the Via Addition, Block A, Lots 1 & 2, Minor Plat. Applicant: Alexander and Mariah Burtness & Robert and Barbara Via.
14. Consider/Discuss/Action on the Anna Retail Addition, Block A, Lot 4R, Replat. Applicant: Anna 31 Retail, LP.
15. Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lots 1R & 3, Replat. Applicant: Anna Self Storage, LLC.
16. Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lot 3, Site Plan. Applicant Anna Self Storage, LLC.
17. Consider/Discuss/Action on the Anacapi Laguna, Phase 1, Block A, Lots 1, 2, 3, 4 & 5, Preliminary Plat. Applicant: MCI Preferred Income Fund, LLC C/O Anacapi Laguna Azure, LLC.
18. Consider/Discuss/Action on the Anna 455 Addition, Block A, Lots 5 & 6, Preliminary Plat. Applicant: Brakes Plus, LLC.
19. Consider/Discuss/Action on the DHI-Anna, Block A, Lots 1-3, Preliminary Plat. Applicant: D.R. Horton – Texas, LTD.

Ms. Leslie Voss left the meeting.

Items for Individual Consideration

20. Consider/Discuss/Action on the Anna Retail Addition, Block A, Lots 1R, 3R, 6, 7, 8, 9 & Block B, Lot 1, Replat. Applicant: Anna 31 Retail, LP.

Ms. Mecke gave a brief presentation.

A motion was made by Commissioner Clemens, seconded by Commissioner Wenzel to recommend approval of the Replat based on the findings made by staff. The vote was unanimous.

21. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend standards for multiple-family residence development within portions of Subdistrict I & H of the existing Planned Development on one lot on 11.1± acres located on the west side of Finley Boulevard, 510± feet south of Florence Way. Zoned: Planned Development (Ord. No. 129-2004 & Ord. No. 627-2013). Applicant: Grand at Anna II Owner, LLC.

Ms. Mecke gave a brief presentation.

Commissioner Clemens asked for clarification on the parking and covered parking requests made by the applicant.

Ms. Mecke advised she would let the applicant go into detail regarding their request.

Mr. Todd Finley, applicant, advised the Commission of the request and what will actually be provided onsite.

Commissioner Clemens asked the applicant to describe the ornamental fence that is being proposed.

Mr. Finley advised.

Chairwoman Patterson-Herndon asked about trash pickup and if the residents would take their own trash to the compactors.

Mr. Finley advised that the residents would have a valet trash service provided daily.

Chairwoman Patterson-Herndon asked how bulky and larger items would be allowed to be disposed of.

Mr. Finley advised that they would have a call number for residents to use should they need to schedule larger items to be disposed of.

Chairwoman Patterson-Herndon asked if trailers and boats would be allowed to be parked onsite.

The applicant advised that they are looking into and have called around the area for those types of items to be parked offsite at a possible discounted rate for residents that have these types of items. The applicant also advised that they will have parking spots available onsite for certain sizes, but anything over that would be parked elsewhere.

Commissioner Nylec asked if the same trash compactor and parking requests were that of the approved Phase 1.

Mr. Finley advised yes.

The Public Hearing was opened at 8:05 p.m.

Mr. Glen Brown, residing at 2109 Adriana Drive, spoke in favor of the zoning request. However, Mr. Brown also advised that he thinks the city should handle the traffic concerns before more residential is built in the area of Sharp and Finley.

Ms. Tana Brown, residing at 2109 Adriana Drive, spoke in favor of the zoning request but also asked city staff for another traffic study regarding the traffic concerns in the area. Ms. Brown also asked for more landscaping instead of screening walls because screening walls tend to age and do not look aesthetically pleasing.

Ms. Stephanie Dingle, residing at 820 Anne Court, spoke in favor of the zoning request but also expressed concerns about the traffic, parking, and landscaping.

The Public Hearing was closed at 8:21 p.m.

Commissioner Nylec asked staff if a traffic study had been done for the area and expressed his own concerns regarding the traffic.

Mr. Peters, Director of Public Works, advised the Commission that a traffic study had been done and a light will be added to the area to give some relief and a design has already been made. However, Mr. Peters also advised that it is going to take some time due to the railroad and railroad signals.

Commissioner Ogan asked Mr. Peters what the current volume of traffic is at the intersection of Finley and Highway 5 and how many accidents have occurred at that intersection.

Mr. Peters answered.

Commissioner Ogan advised that he feels this kind of work and study should have been done before now.

A motion was made by Commissioner Wenzel, seconded by Commissioner Clemens to recommend approval of the zoning request. The vote was 4-2 with Commissioner Ogan and Commissioner Nylec voting against.

22. Consider/Discuss/Action on the Anna Town Square Addition, Block A, Lot 2, Concept Plan. Applicant: Grand at Anna II Owner, LLC.

Ms. Mecke gave a brief presentation.

A motion was made by Commissioner Wenzel, seconded by Commissioner Clemens to recommend approval of the Concept Plan. The vote was 4-2 with Commissioner Ogan and Commissioner Nylec voting against.

23. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 0.4± acre located on the west side of N. Riggins Street, 670± north of Anthony Street from SF-1 Single-Family Residential District to Planned Development-SF-TH Townhome District with modified development standards. Applicant: Innovative Investments Inc.

The Public Hearing was opened at 8:34 p.m.

Mr. Altobelli gave a brief presentation.

Chairwoman Patterson-Herndon asked the applicant about the proposed driveways and garages.

The applicant came up to the podium and answered.

Chairwoman Patterson-Herndon asked the applicant if they would be amenable to dropping the amount of residences down to 5 from 6.

The applicant advised that they had already dropped from 8 to 6 based on the suggestion made by P&Z and Council during the previous zoning request meeting. The applicant also explained that they do not feel it is needed to drop it down any further.

Chairwoman Patterson-Herndon and Commissioner Clemens asked the applicant for some renderings to understand what it will actually look like.

The applicant advised that he did not have any renderings with him.

Chairwoman Patterson-Herndon advised that she would like to see renderings before making a decision on the request.

The Public Hearing was closed at 8:47 p.m.

A motion was made by Commissioner Clemens, seconded by Commissioner Nylec to table the request to the July 5, 2022 P&Z Commission Meeting which will be held at the Anna ISD Board Room at 7:00 p.m.. The vote was unanimous.

24. Consider/Discuss/Action on the Salida Del Sol, Block A, Lot 1, Concept Plan. Applicant: Innovative Investments Inc.

Because the item is associated with the zoning request, item #23, and the zoning request was tabled; no action is taken.

Adjourn

A motion was made by Commissioner Wenzel, seconded by Commissioner Ogan to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:49 p.m.

Chairwoman Kelly Patterson-Herndon

ATTEST:



Item No. 7.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action on the Anacapri, Phase 2, Final Plat. Applicant: Megatel Homes.

SUMMARY:

139 SF-60 lots, 98 SF-Z lots and seven common area lots on 66.3± acres located on the south side of Mantua Road (County Road 371), 160± feet west of Thousand Oaks Drive. Zoned: Planned Development (Ord. No. 887-2020).

The purpose for the Final Plat is to dedicate rights-of-way, lot and block boundaries, and easements necessary for the creation of a single-family residential development.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

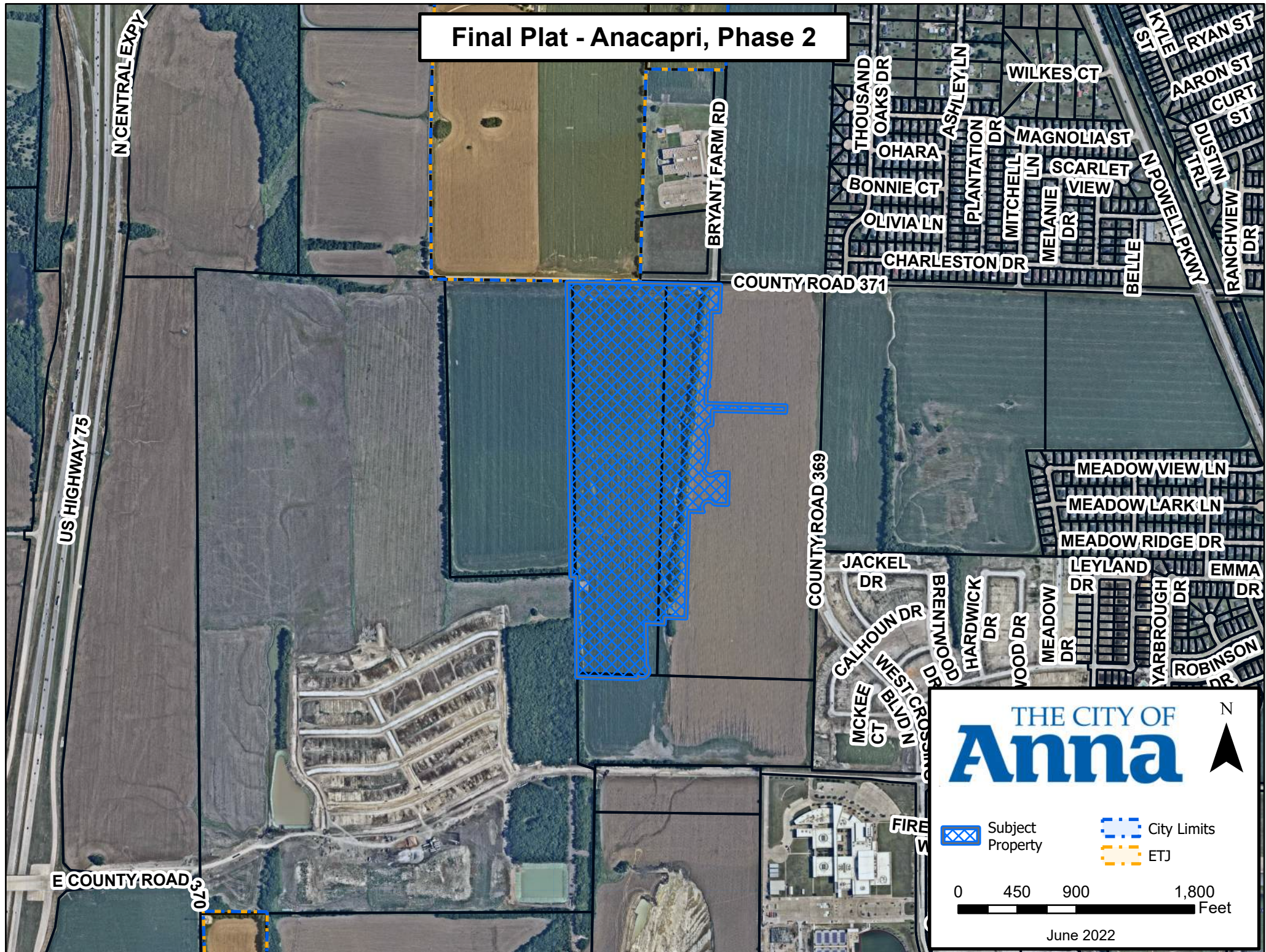
STAFF RECOMMENDATIONS:

The Final Plat is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Anacapri Phase 2 Locator Map
2. Exhibit A (FP) Anacapri, PH 2
3. Anacapri Application

Final Plat - Anacapri, Phase 2



PHASE 3
ANACAPRI

N 00°42'34" W 2250.12'

ELI W. WITT SURVEY
A-987

S. E. ROBERTS SURVEY
A-786

FERGUSON PARKWAY

(60' ROW)

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APPROX. LOCATION SURVEY LINE

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50.00'

50.00'

50.00'

50.00'

35X

LY71D SH1L AB

31W1 S

50.00'

50.00'

50.00'

50.00'

35X

LY71D SH1L AB

31W1 S

50.00'

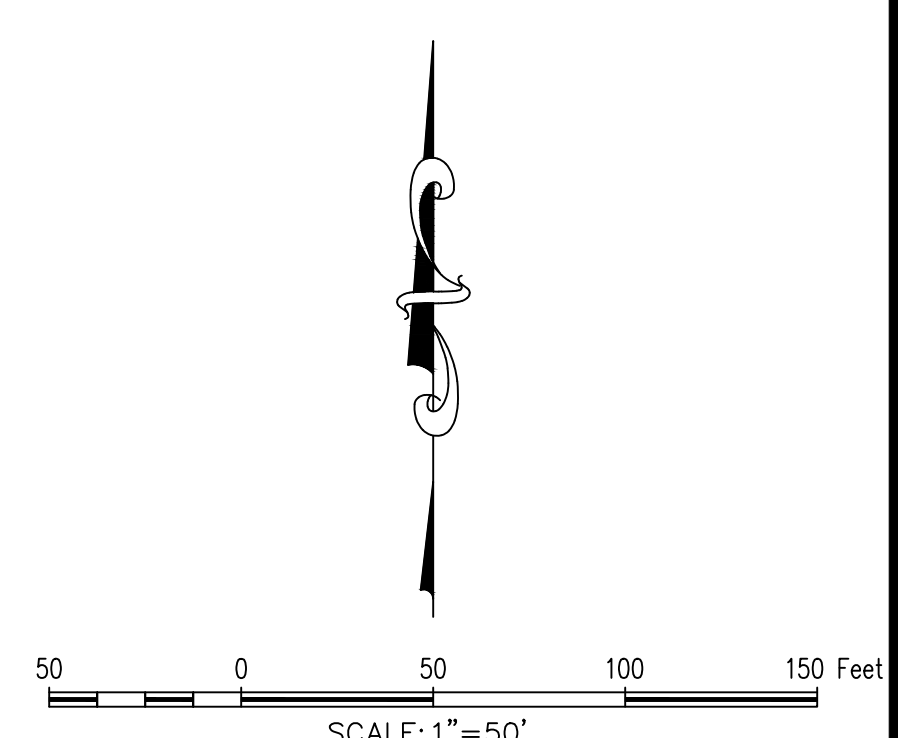
50.00'

50.00'

50.00'

35X

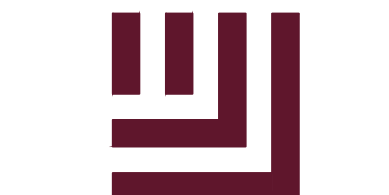
LY71D SH1L AB



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 01°35'53" W	24.48'
L2	N 44°34'04" W	21.08'
L3	S 45°25'56" W	19.67'
L4	S 44°34'04" E	21.08'
L5	N 44°34'04" W	21.08'
L6	S 44°17'26" W	20.36'
L7	N 45°42'34" W	20.36'

FINAL PLAT
 Lot 1-16, Block A, Lot 1-23, & 58X Block B,
 Lot 1-17, Block C, Lot 1-17, Block D,
 Lot 1-17, Block E, Lot 1-34, & 35X Block F,
 Lot 1-6, Block G, Lot 1-7, Block H, Lot 1-20,
 Block I, Lot 1-20, Block J, Lot 1-20, Block K,
 Lot 1-20, Block L, Lot 1-20,
 & 21X Block M, Lot 1X, Block Z, Lot 1X,
 Block JJ, Lot 1X, Block KK,
 and Lot 1X, Block LL,
ANACAPRI, PHASE 2
 139 SF-6, 98 SF-Z, & 7 Common Area Lots
66.262 Acres
 in the
 ELI W. WITT SURVEY, ABSTRACT NO. 997
 S. E. ROBERTS SURVEY, ABSTRACT NO. 786
 CITY OF ANNA
 COLLIN COUNTY, TEXAS

PAGE 3 OF 4



McAdams

The John R. McAdams
Company, Inc.
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712

201 Country View Drive
Roanoke, Texas 76262
940.240.1012

TBPE: 19762 TBPLS: 10194440
www.gacon.com
www.mcadamsco.com

OWNER/DEVELOPER
MEGATEL HOMES
2101 CEDAR SPRINGS RD.
DALLAS, TEXAS
Ph. 972-339-0159
Contact: MR. ZACH IPOUR

EXHIBIT A
PAGE 3 OF 4

File: M:\Projects\MEH21002\02-Survey\PH\PH\MEH21002 PH-2 FINAL.rvt
Project: 6/27/2022 10:34 AM by Bradley Cox, Survey
6/27/2022 10:28 AM by John

LEGAL DESCRIPTION

BEING all that certain lot, tract, or parcel of land situated in the S. E. Roberts Survey, Abstract Number 786, and the Eli W. Witt Survey, Abstract Number 997, City of Anna, Collin County, Texas, being all that certain tract of land, called 95.444 acres and described by deed to Anacapri Laguna Azure LLC, recorded in Instrument Number 20210819001679920, Deed Records, Collin County, Texas, and being all that certain tract of land, called 84.000 acres and described by deed to Anacapri Laguna Azure LLC, recorded in Instrument Number 20210819001679940, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK Nail Found in County Road 371, same being the northeast corner of said 84.000 acre tract, same being the northwest corner of a certain tract of land, described as Tract 1 by deed to Eleanor Katherine Cox Cunningham and Howard Joseph Cox, Jr., recorded in Volume 1995, Page 577, Deed Records, Collin County, Texas, same being the southwest corner of a certain 45-foot right-of-way dedication, recorded in Cabinet Q, Page 668, Plat Records, Collin County, Texas, and being the southeast corner of a certain tract of land, described by deed to Howard J. Cox ET AL, recorded in Instrument Number 199500000577, Deed Records, Collin County, Texas;

THENCE N 88°38'19" W, with the north line of said 84.000 acre tract, and the south line of said Cox ETAL tract, and County Road 371, a distance of 795.08 feet to the POINT OF BEGINNING being a 1/2" capped rebar set, stamped "MCADAMS";

THENCE over across and through said 84.000 acre tract the following twenty-six (26) calls:

S 01°34'27" W, a distance of 230.33 feet to a 1/2" capped rebar set, stamped "MCADAMS";
N 88°25'33" W, a distance of 65.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 495.79 feet to a 1/2" capped rebar set, stamped "MCADAMS";
Southwesterly, with the arc of a curve to the right, having a radius of 50.00 feet, a central angle of 26°37'41", and an arc length of 23.24 feet, whose chord bears S 14°53'18" W, 23.03 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
Southeasterly, with the arc of a reverse curve to the left, having a radius of 50.00 feet, a central angle of 60°40'22", and an arc length of 52.95 feet, whose chord bears S 02°08'03" E, 50.51 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
S 57°31'46" W, a distance of 24.65 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 117.60 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 88°25'33" E, a distance of 609.92 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°29'20" W, a distance of 50.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";
N 88°25'33" W, a distance of 560.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 111.02 feet to a 1/2" capped rebar set, stamped "MCADAMS";
Southwesterly, with the arc of a curve to the left, having a radius of 50.00 feet, a central angle of 101°58'39", and an arc length of 88.99 feet, whose chord bears S 25°56'05" W, 77.70 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
Southeasterly, with the arc of a reverse curve to the right, having a radius of 50.00 feet, a central angle of 26°37'41", and an arc length of 23.24 feet, whose chord bears S 11°44'24" E, 23.03 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 171.57 feet to a 1/2" capped rebar set, stamped "MCADAMS";
Southwesterly, with the arc of a curve to the right, having a radius of 50.00 feet, a central angle of 26°37'41", and an arc length of 23.24 feet, whose chord bears S 14°53'18" W, 23.03 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
Southeasterly, with the arc of a reverse curve to the left, having a radius of 50.00 feet, a central angle of 143°15'23", and an arc length of 125.01 feet, whose chord bears S 43°25'33" E, 94.90 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
Northeasterly, with the arc of a reverse curve to the right, having a radius of 50.00 feet, a central angle of 26°37'41", and an arc length of 23.24 feet, whose chord bears N 78°15'36" E, 23.03 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
S 88°25'33" E, a distance of 78.94 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 240.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";
N 88°25'33" W, a distance of 83.08 feet to a 1/2" capped rebar set, stamped "MCADAMS";
Northwesterly, with the arc of a curve to the right, having a radius of 50.00 feet, a central angle of 26°37'41", and an arc length of 23.24 feet, whose chord bears N 75°06'42" W, 23.03 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
Southwesterly, with the arc of a reverse curve to the left, having a radius of 50.00 feet, a central angle of 134°48'58", and an arc length of 117.65 feet, whose chord bears S 50°47'40" W, 92.33 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
N 88°25'33" W, a distance of 111.89 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 815.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";
N 88°25'33" W, a distance of 163.38 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°34'27" W, a distance of 50.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE over across and through said 84.000 acre tract, and said 95.444 acre tract the following five (5) calls:

N 88°25'33" W, passing the west line of said 84.000 acre tract, same being the east line of said 95.444 acre tract, continuing a distance of 140.87 feet to a 1/2" capped rebar set, stamped "MCADAMS";
S 00°42'34" E, a distance of 302.85 to a 1/2" capped rebar set, stamped "MCADAMS";
Southeasterly, with the arc of a curve to the left, having a radius of 50.00 feet, a central angle of 26°37'41", and an arc length of 23.24 feet, whose chord bears S 14°01'25" E, 23.03 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
Southwesterly, with the arc of a reverse curve to the right, having a radius of 50.00 feet, a central angle of 143°15'23", and an arc length of 125.01 feet, whose chord bears S 44°17'26" W, 94.90 feet, to a 1/2" capped rebar set, stamped "MCADAMS";
S 01°35'53" W, a distance of 24.48 feet to a 1/2" capped rebar set, stamped "MCADAMS" in the easterly south line of said 95.444 acre tract, same being the north line of a certain tract of land described by deed to Anna Texas Land, LTD, recorded in Instrument Number 20140718000750570, Deed Records, Collin County, Texas, from which a 1/2" rebar found, at the southeast corner of said 95.444 acre tract, same being the southwest corner of said 84.000 acre tract, bears S 88°24'07" E, 126.55 feet;

THENCE N 88°24'07" W, with the easterly south line of said 95.444 acre tract, and the north line of said Anna Texas Land tract, a distance of 466.08 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the most easterly southwest corner of said 95.444 acre tract, same being the northwest corner of said Anna Texas Land tract, and being in the east line of a certain tract of land, described by deed to DR Horton-Texas, LTD, recorded in Instrument Number 20210212000310470, Deed Records, Collin County, Texas;

THENCE N 00°34'00" W, with the most southerly west line of said 95.444 acre tract, and being the most southerly east line of said DR Horton tract, a distance of 762.32 feet to a 1/2" capped rebar found (yellow cap) at the inner ell of said 95.444 acre tract, same being the most southerly northeast corner of said DR Horton tract;

THENCE S 88°20'56" W, with the most westerly south line of said 95.444 acre tract, and the most easterly north line of said DR Horton tract, a distance of 38.41 feet to a 1/2" capped rebar set, stamped "MCADAMS";
THENCE N 00°42'34" W, a distance of 2250.12 feet to a 1/2" capped rebar set, stamped "MCADAMS" being in the north line of said 95.444 acre tract, and the south line of a certain tract of land, described by deed to Laura Collins, recorded in Instrument Number 19940310000236490, Deed Records, Collin County, Texas;
THENCE S 89°17'15" E, with the north line of said 95.44 acre tract, and the south line of said Laura Collins tract, and the south line of County Road 371, a distance of 554.53 to a 1/2" capped rebar set, stamped "MCADAMS" at the southeast corner of said Laura Collins tract, being in the north line of said 95.444 acre tract, being in County Road 371, and being the southwest corner of a called 60-foot right-of-way dedication to the City of Anna, recorded in Cabinet Q, Page 604, Plat Records, Collin County, Texas;
THENCE S 88°41'44" E, with the south line of said 60' ROW dedication, County Road 371, and the north line of said 95.444 acre tract, passing a PK Nail Found at the northeast corner thereof, same being the northwest corner of said 84.000 acre tract, at a distance of 190.26 feet, continuing with the north line thereof, passing the southeast corner of said 60' ROW dedication, same being the southwest corner of Bryant Farm Road, passing a PK Nail with shiner, stamped J.F. Smith 3700, at a distance of 587.18 feet, a continuing a total distance of 591.09 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southeast corner of said Bryant Farm Road, same being the southwest corner of said Cox ETAL tract;
THENCE S 88°38'19" E, with the north line of said 84.000 acre tract and the south line of said Cox ETAL tract, a distance of 15.75 feet to the POINT OF BEGINNING and being approximately 66.262 acres of land.

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, being the sole owner does hereby adopt this plat designating the herein above, described real property as Anacapri, an addition to the City of Anna, Collin County, Texas, and we do hereby dedicate, in fee simple, to the public use forever, the streets shown thereon. The streets are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger, or interfere with the construction, maintenance, or, efficiency of their respective systems in said systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

BY: MEGATEL HOMES

BY: _____ Date: _____

STATE OF TEXAS :
COUNTY OF DENTON :

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared ZACH IPOUR, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2022.

Notary Public State of Texas

My commission expires the _____ day of _____, ____.

DRAINAGE AND DETENTION EASEMENT

STATE OF TEXAS §
COUNTY OF COLLIN §
CITY OF ANNA §

This plat is hereby adopted by the Owners and approved by the City of Anna (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Lot 1X, Block G, as shown on the plat is called "Drainage and Detention Easement."The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

CERTIFICATE OF APPROVAL

APPROVED on this the ____day of _____, 2022,
by the City Council, City of Anna, Texas.

Mayor

City Secretary

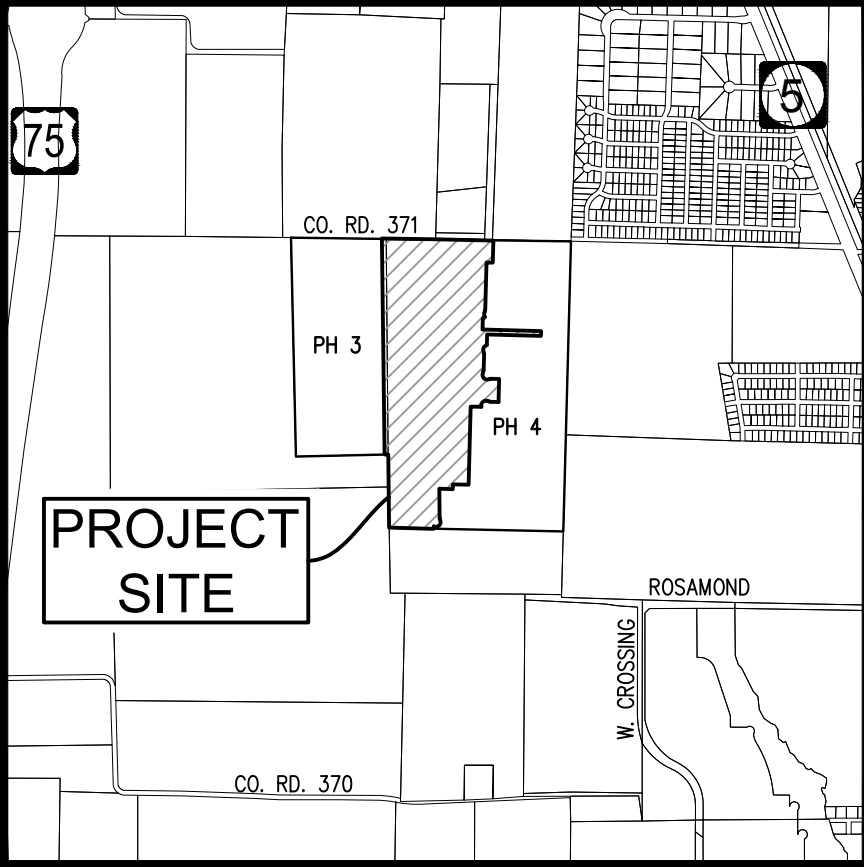
- NOTES:**
- Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
 - Original copies of survey maps and descriptions prepared by the surveyor and firm whose names appear hereon will contain an embossed surveyor's seal. Any map or description copy without that embossed seal is likely a copy not prepared in the office of the surveyor and may contain alterations or deletions made without the knowledge or oversight of the surveyor.
 - Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners. MCADAMS, and the Surveyor shall not be liable for any unauthorized use hereof.
 - According to Community/Panel No. 48085C0155 J, effective June 2, 2009, of the FLOOD INSURANCE RATE MAP for Collin County, Texas & Incorporated Areas, by graphic plotting only, this property appears to be within Flood Zone "A" (areas without Base Flood Elevation). This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes.
- LOMR 09-06-0670P eff. 6/3/2009 Zone A
- This flood statement shall not create liability on the part of the surveyor.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
 - All corners are 1/2" capped rebar set, stamped "MCADAMS", unless otherwise noted.
 - Lot 58X, Block B, Lot 35X, Block F, Lot 2X, Block M, Lot 1X, Block Z, Lot 1X, Block JJ, Lot 1X, Block KK, and Lot 1X, Block LL, to be dedicated to and maintained by the HOA.
 - All common area lots are hereby dedicated as Sidewalk, Hike and Bike Trail, Golf Cart, and Pedestrian Access Easements.
 - No appurtenance between the heights of 2.5' and 10' may be placed in the visibility triangles.
 - All private drainage easements to be maintained by the HOA.
 - Walls over 4' in height shall be owned and maintained by the HOA, Iron fencing is to be owned and maintained by the HOA, Uniform wood fencing adjacent to HOA common area lots running parallel to the primary streets shall be owned and maintained by the HOA.

*** Selling a portion of this addition by metes and bounds is a violation of the City Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.

BENCHMARKS:

"X" SET SOUTHEAST CORNER OF THE ANNA HIGH SCHOOL PROPERTY
N=7183022.0359; E=2560466.1608; ELEV=726.82'

"X" SET IN THE MEDIAN OF FERGUSON PARKWAY APPROXIMATELY 550'
SOUTH OF THE INTERSECTION OF HACKBERRY AND FERGUSON PARKWAY
N=7179687.33; E=2558437.54; ELEV=723.13'



FINAL PLAT
Lot 1-16, Block A, Lot 1-23, & 58X Block B,
Lot 1-17, Block C, Lot 1-17, Block D,
Lot 1-17, Block E, Lot 1-34, & 35X Block F,
Lot 1-6, Block G, Lot 1-7, Block H, Lot 1-20,
Block I, Lot 1-20, Block J, Lot 1-20, Block K,
Lot 1-20, Block L, Lot 1-20,
& 21X Block M, Lot 1X, Block Z, Lot 1X,
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and Lot 1X, Block LL,
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139 SF-6, 98 SF-Z, & 7 Common Area Lots
66.262 Acres
in the
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PAGE 4 OF 4



The John R. McAdams
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SURVEYOR'S STATEMENT

I, James Stowell, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents that survey made by me or under my supervision.

PRELIMINARY DOCUMENT:

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.
JAMES STOWELL, RPLS 6618 6/27/22

James Stowell, RPLS
Texas Registration No. 6513

DRAWN BY: BC DATE: 4/25/2021 SCALE: NTS JOB. No. MEH21002

OWNER/DEVELOPER
MEGATEL HOMES
2101 CEDAR SPRINGS RD.
DALLAS, TEXAS
Ph. 972-339-0169
Contact MR. ZACH IPOUR

EXHIBIT A
PAGE 4 OF 4

Plans & Plats Development Application



Submittal

- | | |
|--|--|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☒ Final Plat/Replat | ☐ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

67 Acres acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ 2,870.00, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Anacapi Phase II Total Number of Acres: 66.262
Zoning Classification(s): _____ Total Number of Lots: 237 + 3 "x" lots
Location: Generally north of Rosamond, east of the Ferguson Parkway extension and south of CR 371

Property Owner Information & Authorization

Name/Company: Megatel Homes
Address: 2101 Cedar Springs Road, Suite 700
City: Dallas State: TX Zip Code: 75201
Phone: 214-396-4233 Email: steve.maqilsceau@megatelhomes.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate McAdams (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

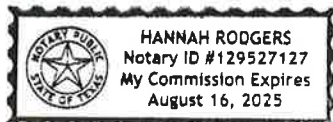
Property Owner's Signature: _____ Date: 5-20-22

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Zach Ipour (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 20th day of may, 2022



Hannah M. Rodgers
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Scott Minnis and Matthew St. Marie, P.E.

Company: McAdams

Address: 111 Hillside Drive

City: Lewisville State: TX Zip Code: 75057

Phone: 972-436-9712 Email: _____

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 8.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action on the Garner Tres, Block A, Lot 1, Final Plat. Applicant: Richard & Victoria Garner.

SUMMARY:

One lot on 3.2± acres located on the north side of County Road 513, 2,385± feet west of County Road 577. Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose of the Final Plat is to dedicate the lot and block boundaries and right-of-way necessary for future development.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

The Final Plat is in conformance with the city's Subdivision Regulations and recommended for approval subject to the on-site sewage facilities review by Collin County Development Services.

ATTACHMENTS:

1. Garner Tres, Block A, Lot 1 Locator Map
2. Exhibit A (FP) Garner Tres
3. Garner Application

Final Plat - Garner Tres, Block A, Lot 1

COUNTY
ROAD 579

COUNTY ROAD 577

COUNTY ROAD 513

THE CITY OF
Anna

N



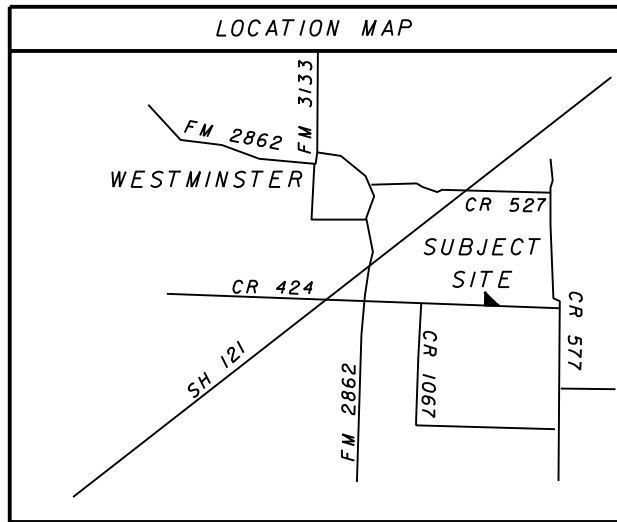
 Subject
Property

 City Limits

 ETJ

0 250 500 1,000
Feet

June 2022



Plans & Plats Development Application

THE CITY OF
Anna

Submittal

- | | |
|--|--|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☒ Final Plat/Replat | ☐ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |
| | ☐ Facade Plan |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

3 acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ \$510.00, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Garner Trcs Total Number of Acres: 3.2449
Zoning Classification(s): _____ Total Number of Lots: 1
Location: 8409 County Road 513, Anna TX 75409

Property Owner Information & Authorization

Name/Company: Richard L Garner, Victoria Garner
Address: 8409 C.R. 513
City: Anna State: TX Zip Code: 75409
Phone: 214-578-1856 Email: coolgandad@aol.com

Project Representation (check one):

- ☒ I will represent the application myself; OR
☐ I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

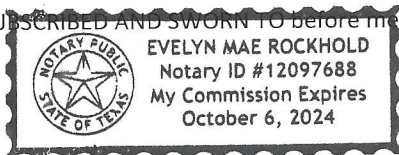
Property Owner's Signature: Richard L Garner Date: 6-10-22

STATE OF: TX

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Richard L. Garner, Victoria Garner (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 10TH day of June, 20 22



Evelyn Rockhold
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 9.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lots 1R, 4, & 5, Replat. Applicant: Ashton Gray, LLC.

SUMMARY:

Restaurant and retail on three lots on 2.1± acres located at the northeast corner of W. White Street and Ferguson Parkway. Zoned: Planned Development (Ord. No. 964-2022, Ord. No. 709-2015, Ord. No. 179-2005).

The purpose of the Replat is to dedicate lot and block boundaries and easements necessary for the construction of the restaurant and retail site improvements and to subdivide the property.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 1: Growing Anna Economy

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

The Replat is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Avery Pointe Commercial, Block A, Lots 1R, 4, & 5 Replat Locator Map
2. Exhibit A - Avery Pointe Commercial Block A, Lots 1R, 4, & 5 - Replat
3. Avery Pointe Commercial Replat Application

Replat - Avery Pointe Commercial, Block A, Lots 1R, 4, & 5



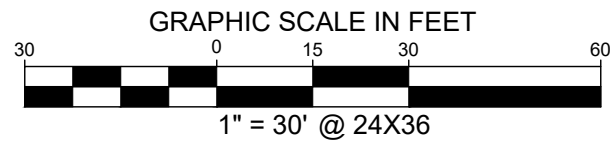
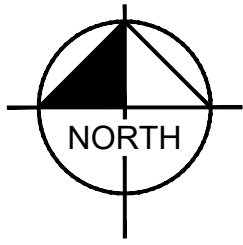
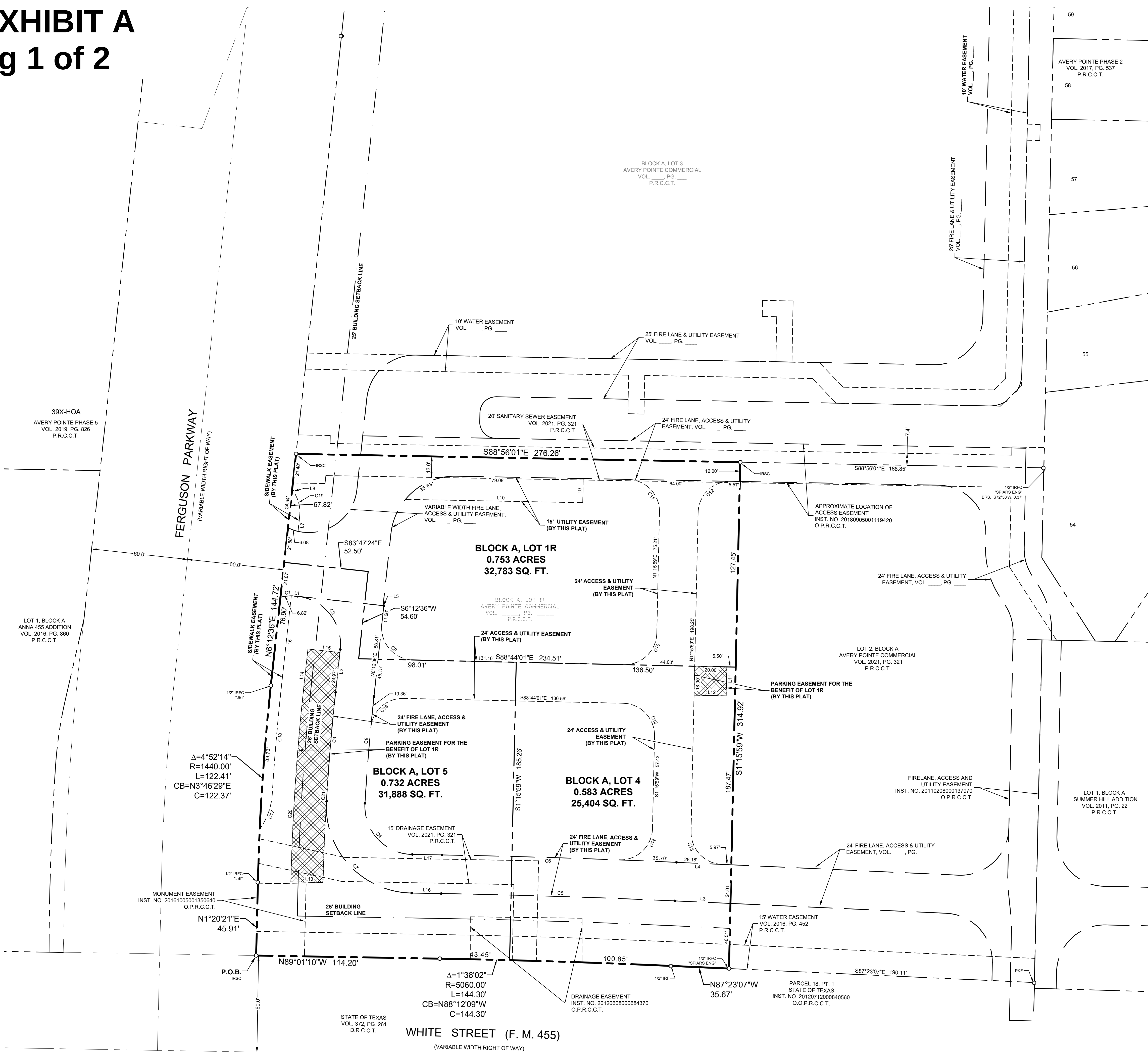


EXHIBIT A

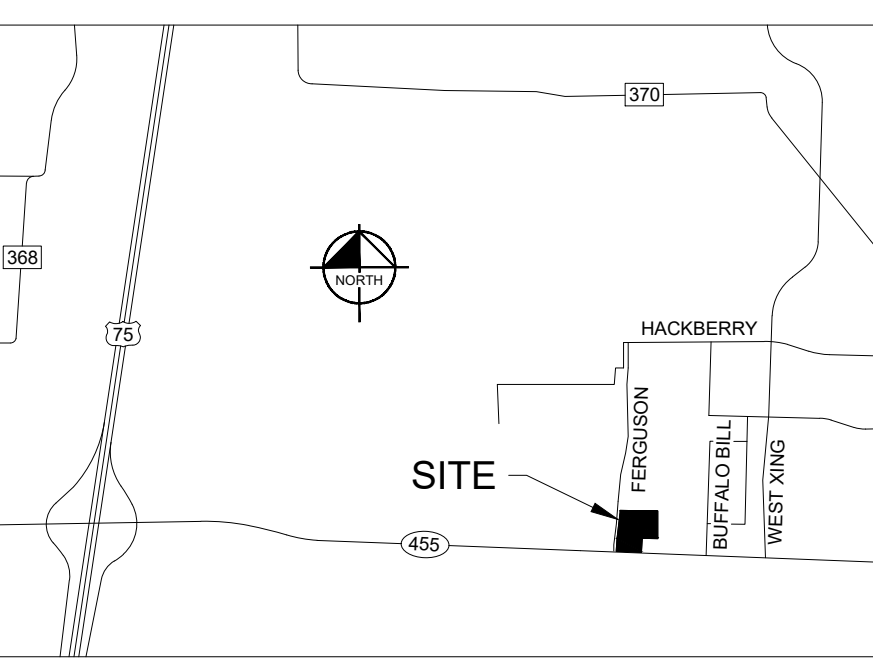
Pg 1 of 2

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S83°47'24"E	1.24'	L17	N89°01'10"W	18.20'
L2	N06°12'36"E	26.81'			
L3	N87°23'07"W	34.71'			
L4	N87°23'07"W	34.15'			
L5	N83°47'24"W	0.48'			
L6	S06°12'36"W	56.67'			
L7	N06°07'33"E	9.71'			
L8	N25°59'31"W	5.74'			
L9	S01°03'59"W	15.00'			
L10	N88°56'01"W	110.30'			
L11	S01°15'59"W	18.00'			
L12	S88°44'01"E	20.00'			
L13	N88°38'40"W	20.00'			
L14	N06°12'36"E	24.97'			
L15	S83°47'24"E	20.00'			
L16	N89°01'10"W	18.20'			

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	21°44'49"	25.00'	9.49'	S85°20'13"W	9.43'
C2	90°00'00"	30.00'	47.12'	N38°47'24"W	42.43'
C3	2°46'31"	1399.50'	67.79'	S04°49'20"W	67.78'
C4	92°27'15"	30.00'	48.41'	S42°47'33"E	43.33'
C5	1°38'02"	5100.50'	145.46'	N88°12'09"W	145.45'
C6	1°38'02"	5124.50'	146.14'	N88°12'09"W	146.14'
C7	92°27'15"	54.00'	87.14'	S42°47'33"E	77.99'
C8	2°46'31"	1375.50'	66.63'	S04°49'20"W	66.62'
C9	94°56'37"	20.00'	33.14'	S41°15'43"E	29.48'
C10	90°00'00"	20.00'	31.42'	N46°15'59"E	28.28'
C11	90°12'00"	20.00'	31.49'	N43°50'01"W	28.33'
C12	89°48'00"	20.00'	31.35'	S46°09'59"W	28.23'
C13	88°39'06"	20.00'	30.95'	S43°03'34"E	27.95'
C14	90°56'56"	20.00'	31.75'	N46°44'27"E	28.52'
C15	90°00'00"	20.00'	31.42'	N43°44'01"W	28.28'
C16	85°51'46"	20.00'	29.97'	S48°20'06"W	27.24'
C17	32°18'14"	41.50'	23.40'	N19°40'27"E	23.09'
C18	2°41'16"	1433.39'	67.24'	S04°51'58"W	67.23'
C19	32°07'04"	22.00'	12.33'	N09°55'59"W	12.17'
C20	4°51'16"	1419.50'	120.27'	S03°46'58"W	120.23'
C21	4°51'22"	1399.50'	118.61'	S03°47'01"W	118.58'



VICINITY MAP



GENERAL NOTES:

- All corners set are monumented with a 5/8 inch iron rod with red plastic cap stamped "KHA", unless otherwise noted.
- All bearings shown are based on grid north of the Texas Coordinate System, NAD83, North Central Zone 4202. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999656573. Vertical Datum NAVD 88.
- The purpose of this replat is to divide one lot into two lots and dedicate new easements for site development.
- Notice - selling a portion of this addition by metes and bounds is a violation of City Subdivision Ordinance and State Platting Statutes and is subject to fines and withholding of utilities and building permits.

FLOOD STATEMENT:

According to Community Panel No. 48085C0155J dated June 02, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is within Zone "X", which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

LEGEND

---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
IRFC	IRON ROD FOUND
IRFC	IRON ROD FOUND WITH CAP
IRSC	IRON ROD SET WITH CAP
INST. NO.	INSTRUMENT NUMBER
NTS	NOT TO SCALE
END	FOUND
BL	BUILDING LINE
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
XF	"X" CUT IN CONCRETE FOUND
P.O.B.	POINT OF BEGINNING

Non-Residential Lot Table

Lot No.	Acreage
1R	0.753
4	0.583
5	0.732
Total	2.068

REPLAT AVERY POINTE COMMERCIAL BLOCK A, LOTS 1R, 4 AND 5

BEING A REPLAT OF BLOCK A, LOT 1R
AVERY POINTE COMMERCIAL
AND BEING 2.068 ACRES SITUATED IN THE
FRANCIS T. DUFFAU, ABSTRACT NO. 288,
CITY OF ANNA, COLLIN COUNTY, TEXAS
JUNE 2022

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034 FIRM # 10193822 Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 30'	MBM	KHA	JUNE 2022	063260500	1 OF 2

OWNER:
Anna 455 Commercial, LP
10950 Research Rd.
Frisco, TX 75033
Ph: 214-387-3993
Contact: Craig Curry

APPLICANT:
Kimley-Horn and Associates, Inc.
13455 Noel Road, Suite 700
Dallas, TX 75240
Ph: 972-770-1300
Fax: 972-239-3820
Contact: Jonathan Kerby, PE

EXHIBIT A
Pg 2 of 2

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS ANNA 455 COMMERCIAL, LP is the sole owners of the following described tract of land:

BEING a tract of land situated in the Francis T. Duffau Survey, Abstract No. 288, City of Anna, Collin County, Texas, and being a portion of Lot 1R, Block A of Avery Pointe Commercial, an addition to the City of Anna, Texas, according to the Replat, recorded in Volume 2021, Page 321 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for the southwest corner of said Lot 1R, same being the intersection of the easterly right of way line of Ferguson Parkway, a variable width right of way as depicted in the Final Plat, recorded in Volume 2016, Page 452 of the Plat Records of Collin County, Texas with the northerly right of way line of White Street (F. M. 455), a variable width right of way, described as Parcel 18, Part 1 in a deed to the State of Texas, recorded in Instrument No. 20120712000840560 of the Official Public Records of Collin County, Texas;

THENCE North 01°20'21" East, along the westerly line of said Lot 1R and the easterly right of way line of said Ferguson Parkway, a distance of 45.91 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "JBI" found for the beginning of a tangent curve to the right with a radius of 1,440.00 feet, a central angle of 04°52'14", and a chord bearing and distance of North 03°46'29" East, 122.37 feet, from which, a found 1/2-inch iron rod with a yellow plastic cap, stamped "SPIARS ENG", bears South 72°08' West, 0.47 feet;

THENCE in a northerly direction, continuing along the westerly line of said Lot 1R and the easterly right of way line of said Ferguson Parkway, with said tangent curve to the right, an arc distance of 122.41 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "JBI" found for corner;

THENCE North 06°12'36" East, continuing along the westerly line of said Lot 1R and the easterly right of way line of said Ferguson Parkway, a distance of 144.72 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

THENCE South 88°56'01" East, departing the westerly line of said Lot 1R and the easterly right of way line of said Ferguson Parkway, crossing said Lot 1R, a distance of 276.26 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for the northwest corner of Lot 2, Block A of said Avery Pointe Commercial;

THENCE South 01°15'59" West, along an easterly line of said Lot 1R and the westerly line of said Lot 2, a distance of 314.92 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "SPIARS ENG", found for the southerly, southeast corner of said Lot 1R and the southwest corner of said Lot 2 for corner, same being on the northerly right of way line of aforesaid White Street (F. M. 455);

THENCE North 87°23'07" West, along the southerly line of said Lot 1R and the northerly right of way line of said White Street (F. M. 455), a distance of 36.67 feet to a 1/2-inch iron rod found for the beginning of a tangent curve to the left with a radius of 5,060.00 feet, a central angle of 01°38'02", and a chord bearing and distance of North 88°12'09" West, 144.30 feet;

THENCE in a westerly direction, continuing along the southerly line of said Lot 1R and the northerly right of way line of said White Street (F. M. 455), with said tangent curve to the left, an arc distance of 144.30 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

THENCE North 89°01'10" West, continuing along the southerly line of said Lot 1R and the northerly right of way line of said White Street (F. M. 455), a distance of 114.20 feet to a point for corner; to the POINT OF BEGINNING and containing or 2.068 acres (90,075 square feet) of land, more or less.

OWNER'S CERTIFICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ANNA 455 COMMERCIAL, LP; acting herein by and through their duly authorized officers, do hereby adopt this plat designating the hereinabove described property as **EVERY POINTE COMMERCIAL, BLOCK A, LOTS 1R, 4 AND 5**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

This approved subject to all platting ordinances, rules, and regulations of the City of Anna, Texas.

WITNESS, my hand at _____, _____, this the _____ day of _____, 2022.

ANNA 455 COMMERCIAL, LP, a Texas limited partnership

By: Anna 445 Commercial GP, LLC, a Texas limited liability company,
Its General Partner

By: _____

(Printed Name)

(Title)

STATE OF TEXAS §
COUNTY OF §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2022.

Notary Public in and for the State of Texas

Printed Name

My Commission Expires

Approved this _____ day of _____, 2022.
by the City Council of the City of Anna, Texas.

Mayor

City Secretary

STATE OF TEXAS §

COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS

That I, Michael B. Marx, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

Michael B. Marx
Registered Professional Land Surveyor
Texas Registration No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Pkwy., Suite 210
Frisco, TX 75034
(972) 335-3580
michael.marx@kimley-horn.com

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Michael B. Marx, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2022.

Notary Public in and for the State of Texas

Printed Name

My Commission Expires

PRELIMINARY

THIS DOCUMENT SHALL
NOT BE RECORDED FOR
ANY PURPOSE AND
SHALL NOT BE USED OR
VIEWED OR RELIED
UPON AS A FINAL
SURVEY DOCUMENT

REPLAT
AVERY POINTE COMMERCIAL
BLOCK A, LOTS 1R, 4 AND 5

BEING A REPLAT OF BLOCK A, LOT 1R
AVERY POINTE COMMERCIAL
AND BEING 2.068 ACRES SITUATED IN THE
FRANCIS T. DUFFAU, ABSTRACT NO. 288,
CITY OF ANNA, COLLIN COUNTY, TEXAS
JUNE 2022

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MBM	KHA	JUNE 2022	063260500	2 OF 2

OWNER:
Anna 455 Commercial, LP
10950 Research Rd.
Frisco, TX 75033
Ph: 214.387.3993
Contact: Craig Curry

APPLICANT:
Kimley-Horn and Associates, Inc.
13455 Noel Road, Suite 700
Dallas, TX 75240
Ph: 972.770.1300
Fax: 972.239.3820
Contact: Jonathan Kerby, PE

Plans & Plats Development Application



Submittal

- | | |
|--|--|
| ☒ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☐ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |
| | ☐ Facade Plan |

*Prior approval required

Submittal Type

- ☒ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☐ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

3.0 _____ acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ 530.00, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Owner Authorization and Representative Designation



Property Description

Subdivision: Avery Pointe Commercial Total Number of Acres: 2.068
Zoning Classification(s): C-2 Total Number of Lots: 3 lots
Location: Ferguson Parkway & White Street (F.M. 455)

Property Owner Information & Authorization

Name/Company: Ashton Gray, LLC
Address: 12360 Market Drive
City: Oklahoma City State: OK Zip Code: 73114
Phone: 405-823-9266 Email: trevorhayes@ashtongray.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Garrett Putman, P.E. (OK, TX, AR) (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

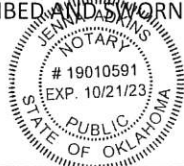
Property Owner's Signature: [Signature] Date: 6/7/22

STATE OF: OK

COUNTY OF: OK

BEFORE ME, a Notary Public, on this day personally appeared Denver Green (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this 7th day of June, 20 22



[Signature]
NOTARY PUBLIC in and for the State of Texas Oklahoma

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Garrett Putman

Company: Kimley Horn

Address: 4727 Gaillardia Parkway, Suite 250

City: Oklahoma City State: OK Zip Code: 73142

Phone: 405-241-5443 Email: Garrett.Putman@kimley-horn.com

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 10.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lots 1R, 4, & 5, Site Plan. Applicant: Ashton Gray, LLC.

SUMMARY:

Restaurant and retail on three lots on 2.1± acres located at the northeast corner of W. White Street and Ferguson Parkway. Zoned: Planned Development (Ord. No. 964-2022, Ord. No. 709-2015, Ord. No. 179-2005).

The purpose of the Site Plan is to show the proposed restaurant and retail development site improvements.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 1: Growing Anna Economy

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

The Site Plan is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Avery Pointe Commercial, Block A, Lots 1R, 4, & 5 Site Plan Locator Map
2. Exhibit A - Avery Pointe Commercial Block A Lots 1R, 4, & 5 - Site Plan
3. Avery Pointe Commercial Site Plan Application

Site Plan - Avery Pointe Commercial, Block A, Lots 1R, 4, & 5



Plans & Plats Development Application



Submittal

- | | |
|--|---|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☒ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
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| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |
| | ☐ Facade Plan |

*Prior approval required

Submittal Type

- ☒ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☐ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

3.0 _____ acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ 300.00, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Avery Pointe Commercial Total Number of Acres: 2.068
Zoning Classification(s): C-2 Total Number of Lots: 3 lots
Location: Ferguson Parkway & White Street (F.M. 455)

Property Owner Information & Authorization

Name/Company: Ashton Gray, LLC
Address: 12360 Market Drive
City: Oklahoma City State: OK Zip Code: 73114
Phone: 405-823-9266 Email: trevorhayes@ashtongray.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Garrett Putman, P.E. (OK, TX, AR) (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: [Signature] Date: 6/7/22

STATE OF: OK

COUNTY OF: OK

BEFORE ME, a Notary Public, on this day personally appeared Denver Green (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 7th day of June, 2022



[Signature]
NOTARY PUBLIC in and for the State of Texas Oklahoma

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Garrett Putman

Company: Kimley Horn

Address: 4727 Gaillardia Parkway, Suite 250

City: Oklahoma City State: OK Zip Code: 73142

Phone: 405-241-5443 Email: Garrett.Putman@kimley-horn.com

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 11.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Arden Park, Phase 1, Final Plat. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.

SUMMARY:

60 Single-family dwelling, detached lots, 27 single-family dwelling, attached lots, five common area lots, and two restricted commercial lots on 20.4± acres located at the southwest corner of W. White Street and Slater Creek Road. Zoned: C-1 Restricted Commercial (C-1), SF-Z Single-Family Residence District – Zero Lot Line Homes (SF-Z), and Planned Development-SF-TH Townhome District (PD-SF-TH) (Ord. No. 961-2022).

The purpose of the Final Plat is to dedicate rights-of-way, lot and block boundaries, and easements necessary for the single-family residential development.

The applicant has requested a 30-day extension as they continue to make alterations to the proposed plat and work through staff's comments.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

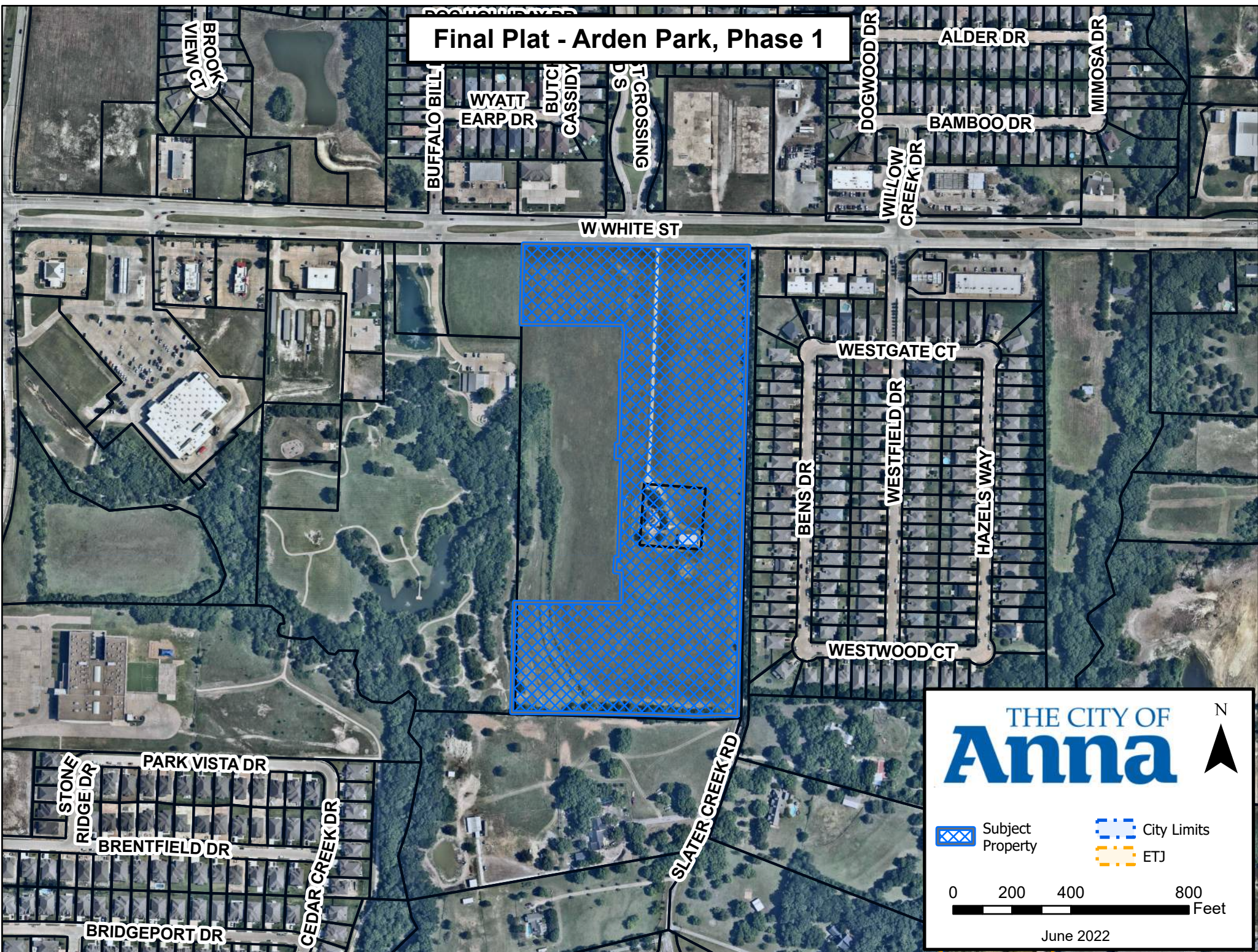
STAFF RECOMMENDATIONS:

Staff recommends that the Planning & Zoning Commission approve the applicant's request for a 30-day extension.

ATTACHMENTS:

1. Arden Park, Phase 1 Final Plat Locator Map
2. Arden Park 30-day Extension Request Letter
3. Arden Park Application

Final Plat - Arden Park, Phase 1



THE CITY OF
Anna

N

Subject Property

City Limits

ETJ

0 200 400 800 Feet

June 2022

June 29, 2022

City of Anna
Planning Department – Attention: Salena Tittle
3223 N. Powell Parkway
Anna, Texas 75049

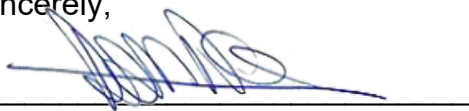
Subject: 30-Day Waiver for Final Plat
Arden Park Addition

Planning Department:

As the property owner [or property owner's representative], we hereby request a 30-day extension of the above-referenced plat from the July 5, 2022 Planning & Zoning Commission agenda, and rescheduling this plat for a future Planning & Zoning Commission meeting date.

When we are ready for this plat to be considered for approval by the Planning & Zoning Commission, we will notify you, and will resubmit any required corrections to the plat, at least ten calendar days prior to the requested P&Z Commission meeting date.

Sincerely,



Adam Green, Owner
Arden Park Owner TX LLC, a Delaware limited liability company

Plans & Plats Development Application



Submittal

- | | |
|--|---|
| ☐ Preliminary Plat/Replat | ☒ Civil Plans |
| ☒ Final Plat/Replat | ☒ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |
| | ☐ Facade Plan |

**Prior approval required*

Submittal Type

- ☒ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☐ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

28 (27.967) acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$_____, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Arden Park Total Number of Acres: 27.967
Zoning Classification(s): SF & TH Total Number of Lots: 88 SF-Z, 53 SF-TH, 2 C-1 & 5 Common Area Lots
Location: 1029 West White Street, Anna Texas

Property Owner Information & Authorization

Name/Company: Arden Park Owner TX LLC, a Delaware limited liability company
Address: 12801 N Central Expressway, Ste 1675
City: Dallas State: Texas Zip Code: 75243
Phone: 214-440-5606 Email: agreen@bridgetowerhome.com (Adam Green)

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Josh Barton (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

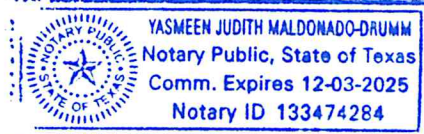
Property Owner's Signature: [Signature] Date: 6/6/2022

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Jackson Su (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 6th day of June, 20 22



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: Josh Barton
Company: McAdams
Address: 111 Hillside Drive
City: Lewisville State: Texas Zip Code: 75057
Phone: 469.312.0494 Email: jbarton@mcadamsco.com

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 12.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action on the Villages of Waters Creek, Block B, Lot 1, Preliminary Plat. Applicant: Anna 51 Joint Venture.

SUMMARY:

Multiple-family residence on one lot on 19.5± acres located on the west side of future Persimmon Drive, 350± feet south of W. White Street. Zoned: Planned Development (Ord. No. 978-2022 & Ord. No. 861-2020).

The purpose of the Preliminary Plat is to propose rights-of-way, lot and block boundaries, and easements necessary for the creation of a multiple-family development.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

The Preliminary Plat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Villages of Waters Creek Locator Map
2. Exhibit A (PP) Villages of Waters Creek
3. Waters Creek Pre Plat Application

Preliminary Plat - Villages of Waters Creek Multi-Family

S CENTRAL EXPY

US HIGHWAY 75

CREEK DR

PARKVIEW DR

HILLTOP

NIA FALL

VICTORIA FALLS DR

KAIE TEUR DR

WESTPARK DR

W WHITE ST

PIN OAK TRL

PINE KNOLL WAY

CEDAR TRL

CYPRESS WAY

SPRUCE ST

HICKORY TRL

MANDARIN WAY

MULBERRY DR

SABLE WOOD DR

PERSIMMON DR

COTTONWOOD TRL

HAWTHORNE RD

OAK HOLLOW LN

WILLOW WAY

CHESTNUT ST

WHITE OAK RD

POST OAK TRL

THE CITY OF
Anna



 Subject Property

 City Limits

 ETJ

0 250 500 1,000 Feet

June 2022

Drawing: J:\04\JPI21001\001_Anna Multi-Family_17A\3_Cad\Drawings_Civil\JPI21001-C-PLAT
Last Saved: 6/20/2022 2:10 PM
Plot Date/Time: 6/20/2022 2:27 PM

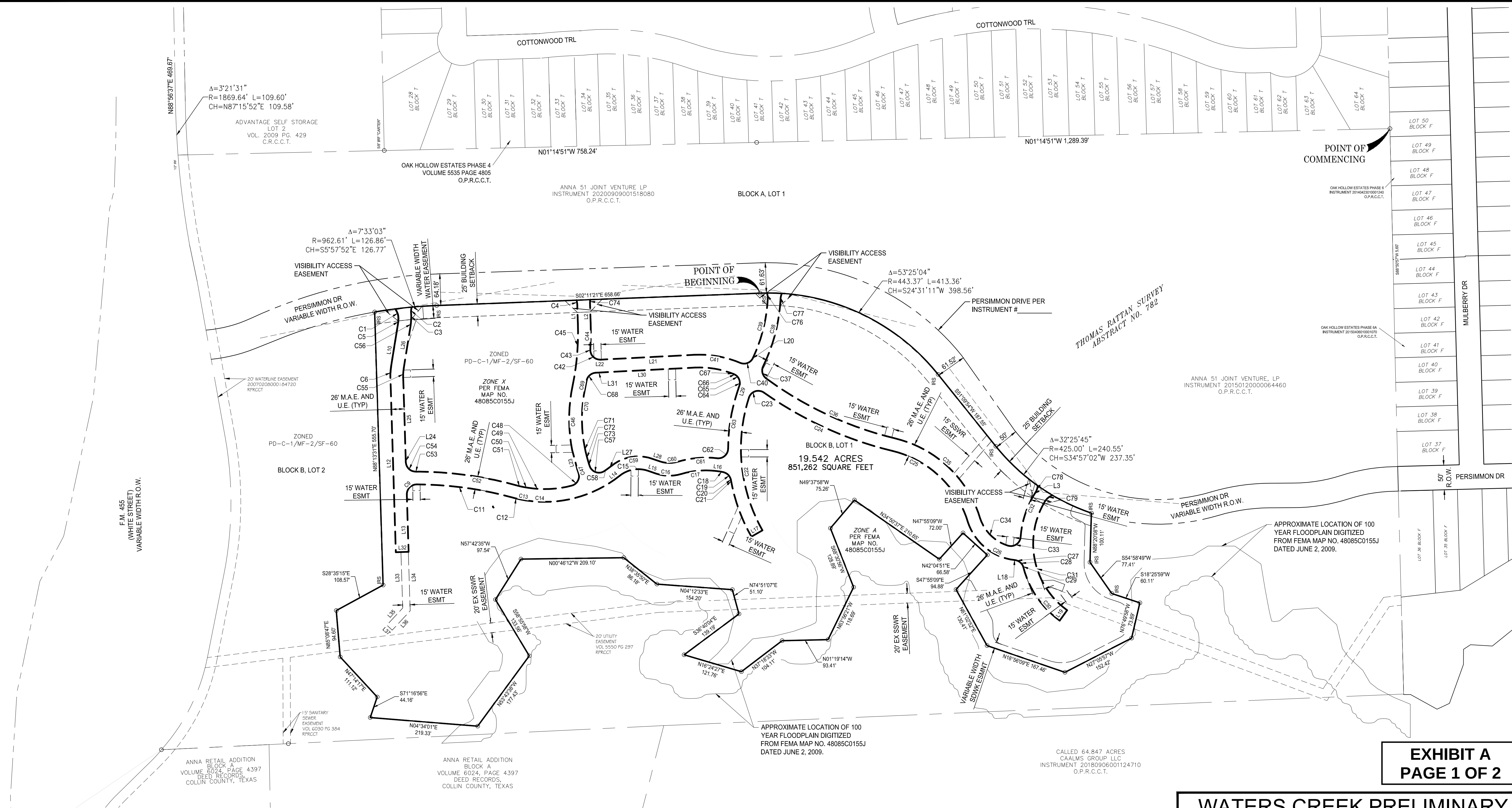


EXHIBIT A
PAGE 1 OF 2

WATERS CREEK PRELIMINARY PLAT

BLOCK B, LOT 1
19.542 ACRES, SITUATED IN THE THOMAS
RATTAN SURVEY, ABSTRACT NUMBER 782
ANNA, COLLIN COUNTY, TEXAS

OWNER / DEVELOPER
OWNER NAME: ANNA 51 JOINT VENTURE
ADDRESS: 2705 CLUB LAKE TRAIL
MCKINNEY, TX 75070
CONTACT: DON COLLINS
(214)802-8264
DEVELOPER NAME: JPI DEVELOPMENT
ADDRESS: 600 E. LAS COLINAS BLVD, STE. 1800
IRVING, TEXAS 75039
CONTACT: CHRIS BUTLER
(214)451-6714

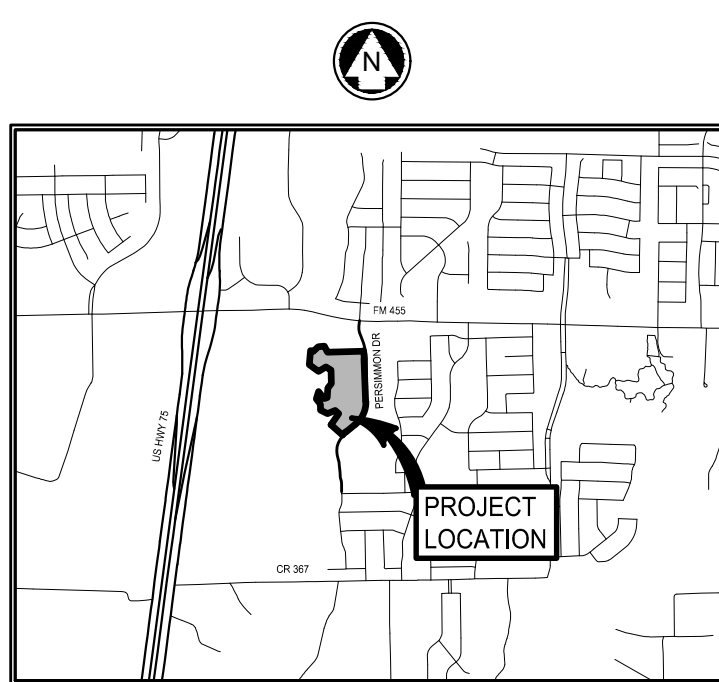
PLANNER / ENGINEER / SURVEYOR
PELTON
LAND SOLUTIONS
TEXAS REGISTRATION ENGINEERING FIRM NO. 12207
11000 FRISCO STREET, SUITE 400, FRISCO, TEXAS 75033
FRISCO OFFICE PHONE: (469) 215-1800

DATE: JUNE 2022
PELTON PROJECT #: JPI21001

DESIGNED: AJC
DRAWN: KAK
REVIEWER: DAN

SHEET
1 OF 2

VICINITY MAP N.T.S.



0 100' 200'
SCALE: 1" = 100'

LEGEND

--- EASEMENT LINE
--- RIGHT OF WAY LINE
--- MUTUAL ACCESS EASEMENT
--- UTILITY EASEMENT
M.A.E.
U.E.

JPI21001 - PRELIMINARY PLAT

PRELIMINARY PLAT

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	39.537	N88° 01' 58.47"E
L2	39.537	N88° 01' 58.47"E
L3	6.449	S58° 14' 37.43"E
L10	84.524	S80° 48' 14.72"E
L12	355.325	N88° 13' 30.62"E
L13	116.603	N88° 13' 30.62"E
L14	13.349	S36° 48' 31.89"E
L15	17.777	S18° 46' 30.71"W
L16	7.984	S7° 50' 44.37"W
L17	26.000	S29° 34' 12.36"E
L18	2.935	N8° 25' 41.84"E
L19	26.000	S54° 06' 57.98"E
L20	0.521	S61° 54' 30.28"E
L21	191.316	N2° 57' 32.25"W
L22	1.667	N1° 18' 03.92"E

LINE TABLE		
LINE #	DISTANCE	BEARING
L23	40.472	N75° 14' 25.80"E
L24	2.368	S88° 13' 30.62"W
L25	170.321	N88° 13' 30.62"E
L26	84.524	S80° 48' 14.72"E
L27	12.527	S36° 48' 31.89"E
L28	17.777	S18° 46' 30.71"W
L29	19.523	N72° 22' 27.44"W
L30	191.316	N2° 57' 32.25"W
L31	10.737	N2° 57' 32.25"W
L32	26.000	N1° 46' 29.38"W

CURVE TABLE					
CURVE #	CHORD DIRECTION	CHORD	LENGTH	RADIUS	DELTA
C1	N71° 29' 52.96"E	21.18	21.642	30.00	21.64
C2	S85° 52' 49.49"E	14.49	14.577	38.47	14.58
C3	N89° 36' 08.64"E	9.30	9.305	126.00	9.31
C4	N80° 13' 16.03"E	8.16	8.180	30.00	8.18
C5	S84° 19' 10.73"E	12.26	12.271	100.00	12.27
C6	N86° 17' 22.05"W	24.09	24.126	126.00	24.13
C9	S45° 49' 23.14"E	28.75	32.080	20.00	32.08
C11	N7° 46' 39.33"E	196.73	197.312	739.00	197.31
C12	S13° 21' 53.02"W	18.00	18.007	187.56	18.01
C13	S10° 05' 20.16"W	10.13	10.126	246.00	10.13
C14	S13° 10' 45.44"E	185.01	189.678	246.00	189.68
C15	N10° 08' 09.72"W	58.01	60.552	60.00	60.55
C16	S1° 02' 48.52"W	51.46	52.291	84.54	52.29
C17	N5° 04' 20.90"W	70.44	70.928	175.01	70.93
C18	N10° 22' 28.68"E	7.46	7.464	175.00	7.46

CURVE TABLE					
CURVE #	CHORD DIRECTION	CHORD	LENGTH	RADIUS	DELTA
C19	N43° 17' 34.55"E	21.02	22.130	19.99	22.13
C20	N77° 25' 13.80"E	1.70	1.897	20.00	1.70
C21	S70° 08' 26.71"W	122.46	123.047	363.00	123.05
C22	S84° 14' 26.59"W	272.11	280.099	337.00	280.10
C23	N16° 53' 57.74"W	31.99	37.070	20.01	37.07
C24	S24° 22' 54.33"W	287.20	288.921	763.08	288.92
C25	N43° 21' 39.69"E	210.89	220.723	212.00	220.72
C26	S39° 04' 53.50"W	122.28	129.203	113.00	129.20
C27	N20° 09' 58.66"E	5.44	5.460	20.00	5.46
C28	N43° 56' 56.90"E	11.00	11.129	21.09	11.13
C29	N67° 43' 55.15"E	5.44	5.460	20.00	5.46
C30	S55° 43' 06.08"W	130.97	133.624	193.00	133.62
C31	S78° 20' 29.08"W	225.46	247.502	167.00	247.50
C32	N72° 33' 16.63"W	89.15	89.962	193.00	89.96
C33	S34° 15' 45.65"E	31.37	36.055	20.00	36.06

CURVE TABLE					
CURVE #	CHORD DIRECTION	CHORD	LENGTH	RADIUS	DELTA
C34	S44° 31' 06.81"W	79.36	82.408	87.00	82.41
C35	N43° 19' 14.41"E	236.46	247.458	238.00	247.46
C36	S24° 54' 54.16"W	290.86	292.782	737.00	292.78
C37	S76° 14' 19.67"W	25.70	27.909	20.00	27.91
C38	S75° 52' 18.50"E	134.83	135.692	348.00	135.69
C39	S75° 52' 18.50"E	124.76	125.554	322.00	125.55
C40	S20° 08' 12.08"E	26.62	29.119	20.01	29.12
C41	N9° 59' 54.91"E	95.52	96.341	213.00	96.34
C42	S43° 04' 48.41"W	25.53	27.688	20.00	27.69
C43	S89° 42' 40.08"W	4.50	4.510	26.60	4.51
C44	S89° 19' 04.94"E	52.04	52.060	563.00	52.06
C45	S85° 06' 33.57"E	128.24	128.548	537.00	128.55
C46	N89° 43' 34.01"W	129.70	130.575	326.00	130.58
C47	S71° 00' 41.43"W	7.63	7.626	326.00	7.63
C48	S62° 04' 40.36"E	29.53	33.218	20.00	33.22

CURVE TABLE					
CURVE #	CHORD DIRECTION	CHORD	LENGTH	RADIUS	DELTA
C49	S2° 47' 37.38"E	89.25	89.876	220.00	89.88
C50	S10° 06' 30.35"W	9.21	9.206	220.00	9.21
C51	S13° 21' 54.35"W	15.80	15.807	161.56	15.81
C52	N7° 56' 47.12"E	199.50	200.072	765.00	200.07
C53	S3° 17' 59.57"W	11.53	11.558	48.26	11.56
C54	S51° 22' 42.66"W	23.99	25.724	20.00	25.72
C55	N86° 17' 22.05"W	19.12	19.148	100.00	19.15
C56	S84° 32' 35.10"E	16.43	16.444	126.00	16.44
C57	S18° 54' 24.34"W	31.72	36.629	20.00	36.63
C58	S34° 22' 12.88"E	6.22	6.217	220.00	6.22
C59	N9° 57' 05.93"W	82.67	86.237	86.00	86.24
C60	S1° 02' 41.95"W	35.63	36.205	58.53	36.21
C61	N5° 04' 18.52"W	80.91	81.461	200.99	81.46
C62	S44° 54' 08.04"E	28.31	31.459	20.00	31.46
C63	N80° 57' 21.94"W	113.67	114.136	363.00	114.14

CURVE TABLE					
CURVE #	CHORD DIRECTION	CHORD	LENGTH	RADIUS	DELTA
C64	N79° 10' 06.51"E	11.49	11.655	20.00	11.66
C65	N46° 30' 41.41"E	11.00	11.207	16.77	11.21
C66	N26° 09' 55.74"E	3.06	3.061	20.00	3.06
C67	N9° 24' 40.54"E	80.12	80.747	187.00	80.75
C68	N41° 27' 22.84"W	24.90	26.876	20.00	26.88
C69	S79° 06' 09.52"E	16.73	16.726	563.00	16.73
C70	N89° 43' 34.01"W	119.36	120.161	300.00	120.16
C71	S78° 00' 42.09"W	8.25	8.248	300.00	8.25
C72	S74° 43' 32.26"W	26.16	26.163	300.00	26.16
C73	S71° 48' 02.63"W	4.47	4.466	300.00	4.47
C74	S84° 12' 21.78"E	8.10	8.127	30.00	8.13
C76	N81° 34' 26.60"E	11.84	11.921	30.00	11.92
C77	S76° 50' 32.97"E	10.90	10.956	30.00	10.96
C78	S71° 14' 48.65"E	14.48	14.619	30.00	14.62
C79	S39° 12' 02.20"E	20.52	20.944	30.00	20.94

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE THOMAS RATTAN SURVEY, ABSTRACT NUMBER 782, COLLIN COUNTY, BEING A PORTION OF THAT TRACT OF LAND TO ANNA 51 JOINT VENTURE, L.P. (A LIMITED PARTNERSHIP RECORDED IN INSTRUMENT NUMBER 20150120000064460 OF THE OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID ANNA 51 TRACT;

THENCE N 01° 14' 51" W, 1,289.39 FEET ALONG THE EAST LINE OF SAID ANNA 51 TRACT AND THE WEST LINE OF A TRACT OF LAND TO OAK HOLLOW ESTATES PHASE 3 RECORDED IN VOLUME 5535, PAGE 4805 OF SAID COUNTY RECORDS;

THENCE S 88° 45' 09" W, 306.69 FEET DEPARTING SAID EAST LINE TO THE POINT OF BEGINNING AND BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 413.36 FEET, THROUGH A CENTRAL ANGLE OF 53° 25' 04", HAVING A RADIUS OF 443.37 FEET, AND A LONG CHORD WHICH BEARS S 24° 31' 11" W, 398.56 FEET;

THENCE S 51° 09' 54" W, 187.55 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 240.55 FEET, THROUGH A CENTRAL ANGLE OF 32° 25' 45", HAVING A RADIUS OF 425.00 FEET, AND A LONG CHORD WHICH BEARS S 34° 57' 02" W, 237.35 FEET;

THENCE N 88° 20' 08" W, 100.11 FEET;

THENCE S 54° 58' 49" W, 77.41 FEET;

THENCE S 18° 25' 59" W, 60.11 FEET TO THE CENTERLINE OF A CREEK;

THENCE GENERALLY ALONG SAID CREEK CENTERLINE THE FOLLOWING BEARINGS AND DISTANCES:

N 76° 49' 58" W, 73.89 FEET;

N 27° 05' 57" W, 152.42 FEET;

N 18° 56' 09" E, 167.46 FEET;

N 61° 02' 52" E, 130.41 FEET;

S 47° 55' 09" E, 94.88 FEET;

N 42° 04' 51" E, 66.58 FEET;

N 47° 55' 09" W, 72.00 FEET;

N 34° 50' 37" E, 210.65 FEET;

N 49° 37' 58" W, 75.26 FEET;

S 68° 30' 56" W, 128.89 FEET;

N 63° 56' 21" W, 118.69 FEET;

N 01° 19' 14" W, 93.41 FEET;

N 37° 18' 33" W, 104.11 FEET;

N 16° 24' 27" E, 121.76 FEET;

S 36° 40' 04" E, 139.19 FEET;

N 74° 51' 07" E, 51.10 FEET;

N 04° 12' 33" E, 154.20 FEET;

N 38° 35' 50" E, 86.18 FEET;

N 00° 46' 12" W, 209.10 FEET;

N 57° 42' 35" W, 97.54 FEET;

S 58° 55' 58" W, 133.56 FEET;

N 53° 43' 38" W, 177.43 FEET;

N 04° 34' 01" E, 219.33 FEET;

S 71° 16' 56" E, 44.16 FEET;

N 47° 14' 17" E, 111.12 FEET;

N 85° 08' 47" E, 94.60 FEET;

THENCE S 28° 35' 15" E, 108.57 FEET DEPARTING SAID CREEK CENTERLINE;

THENCE N 88° 13' 31" E, 555.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 126.86 FEET, THROUGH A CENTRAL ANGLE OF 07° 33' 03", HAVING A RADIUS OF 962.61 FEET, AND A LONG CHORD WHICH BEARS S 05° 57' 52" E, 126.77 FEET;

THENCE S 02° 11' 21" E, 658.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 851,262 SQUARE FEET OR 19.542 ACRES MORE OR LESS.

EXHIBIT A
PAGE 2 OF 2

WATERS CREEK PRELIMINARY
PLAT

BLOCK B, LOT 1
19.542 ACRES, SITUATED IN THE THOMAS
RATTEN SURVEY, ABSTRACT NUMBER 782

ANNA, COLLIN COUNTY, TEXAS

OWNER / DEVELOPER

OWNER NAME: ANNA 51 JOINT VENTURE

ADDRESS: 2705 CLUB LAKE TRAIL

MCKINNEY, TX 75070

CONTACT: DON COLLINS

(214)802-8264

DEVELOPER NAME: JPI DEVELOPMENT

ADDRESS: 600 E. LAS COLINAS BLVD, STE. 1800

IRVING, TEXAS 75039

CONTACT: CHRIS BUTLER

(214)451-6714



DATE: JUNE 2022

PELOTON PROJECT #: JPI21001

DESIGNED: AJC

DRAWN: KAK

REVIEWER: DAN

SHEET

2 OF 2

Plans & Plats Procedural Information



The Applicant must:

1. Set an appointment with the Planning office @ 972-924-2616, for a pre-application meeting to meet with the Development Review Committee (DRC) to review the application process and requirements.
 - * Development Plats may not require a DRC meeting at the Director's discretion.
2. Application(s) will **NOT** be accepted unless a pre-application meeting has been completed.

3. Submit application, plan(s) and/or plat, checklist, and the application fee. The application fee is **NOT** refundable. Receipt of documents does not constitute acceptance or approval.
 - * In accordance with state laws, some replats require special notification procedures.

Beginning March 18, 2020, the Planning Department will no longer require hard-copies for submittals. Please e-mail all required application materials to Salena Tittle (STittle@annatexas.gov) and Lauren Mecke (LMecke@annatexas.gov). Applications sent to anyone else will not be accepted. If files exceed the size limit, please coordinate with us prior to bringing a CD or flash drive during business hours.

4. Applications are accepted on the 1st Wednesday of the month following a regularly scheduled Planning & Zoning commission meeting in order to be placed on the next Planning and Zoning commission agenda. See the Submittal Calendar.
5. Corrections from the city's initial review comments, provided 12 days after application submittal, must be provided to the Planning & Development Department no later than the Monday prior to the scheduled Planning and Zoning Commission meeting.
6. Staff will present applications to the Planning and Zoning Commission. The P&Z Commissioners will make a recommendation to City Council.
7. At the Council meeting, the application will be presented with the Planning and Zoning Commission's recommendation(s).

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov

Plans & Plats Development Application

THE CITY OF
Anna

Submittal

- | | |
|--|---|
| ☒ Preliminary Plat/Replat | ☒ Civil Plans |
| ☐ Final Plat/Replat | ☐ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☒ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |
| | ☐ Facade Plan |

*Prior approval required

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

19.54 acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ 1,010.00, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Planning & Development Department

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Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Villages at Waters Creek Total Number of Acres: 19.54
Zoning Classification(s): PD 978-2022 Total Number of Lots: 1
Location: south of White Street (FM 455) and approximately 1500' east of US 75

Property Owner Information & Authorization

Name/Company: Anna 51 Joint Venture
Address: 2705 Club Lake Trail
City: McKinney State: TX Zip Code: 75072
Phone: (214) 802-8264 Email: don2705a@aol.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Danny Nottoli (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

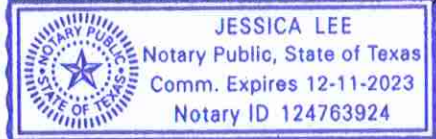
Property Owner's Signature: [Signature] Date: 6/3/22

STATE OF: TEXAS

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Don Collins (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 8 day of June, 2022



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Danny Nottoli

Company: Peloton Land Solution

Address: 11000 Frisco St Suite 400

City: Frisco State: TX Zip Code: 75033

Phone: (469) 213-1800 Email: danny.nottoli@gmail.com

Planning & Development Department

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Disclosure of Interests



Every question must be answered. If the question is not applicable, answer with "N/A".

NOTE: If the Project Representative is not the Property Owner, this form must be filled out by **both** the Property Owner and the Project Representative.

Disclosure Questions

- A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? ☐ Yes ☒ No
- B. If so, state the name of each City official or employee of the City of Anna known by you that may have a conflict of interest in the property or application referenced on reverse side.

- C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Anna, Texas, as changes occur.

Name of Certifying Person (*print*): Danny Nottoli

☐ Property Owner ☒ Project Representative

Signature of Certifying Person: Danny Nottoli

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members.

**City Manager, City Secretary, City Attorney, and all department heads

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 13.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on the 75 North Addition, Lots 14R & 15R, Replat. Applicant: Bryan Peltier and Syeda Haque.

SUMMARY:

Two single-family residences, detached on two lots on 0.3± acre, located on the west side of N Riggins Street, 560± feet north of Anthony Street. Zoned: S-1 Single-Family Residential District.

The purpose of the Replat is to modify the lot line between Lots 14R and 15R due to an encroachment of the existing house on Lot 15R onto Lot 14R.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

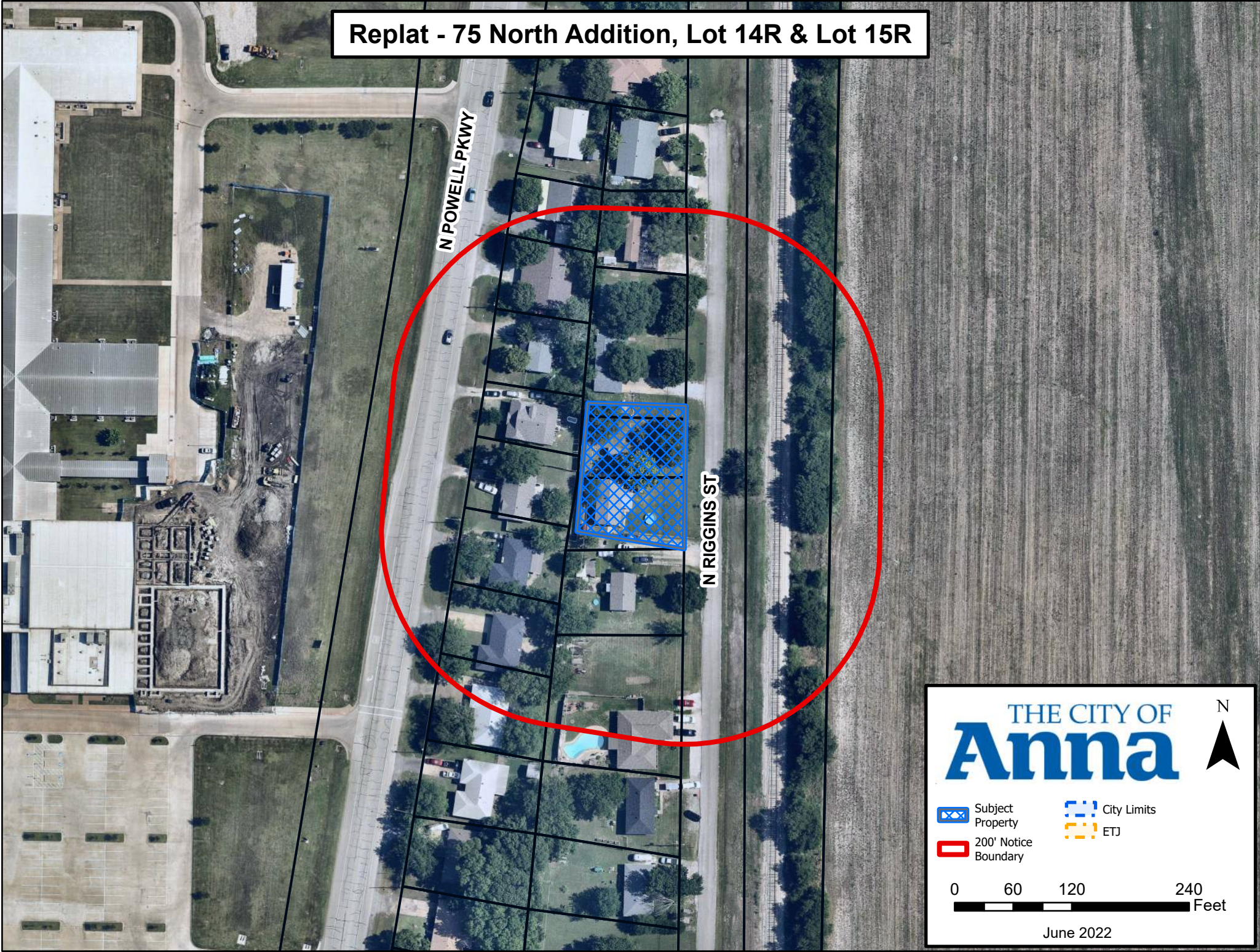
The Replat is recommended for approval subject to the Board of Adjustment granting two (2) variances to the City of Anna Zoning Ordinance associated with:

1. Minimum lot area requirement for Lot 14R
2. Minimum side yard, interior setback requirement for Lot 15R

ATTACHMENTS:

1. 75 North Addition Lot 14R 15R Locator Map
2. Exhibit A - 75 North Addn, BI A, Lts 14R & 15R - Replat
3. 75 North Addition Application

Replat - 75 North Addition, Lot 14R & Lot 15R



THE CITY OF
Anna



Subject
Property



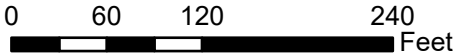
City Limits



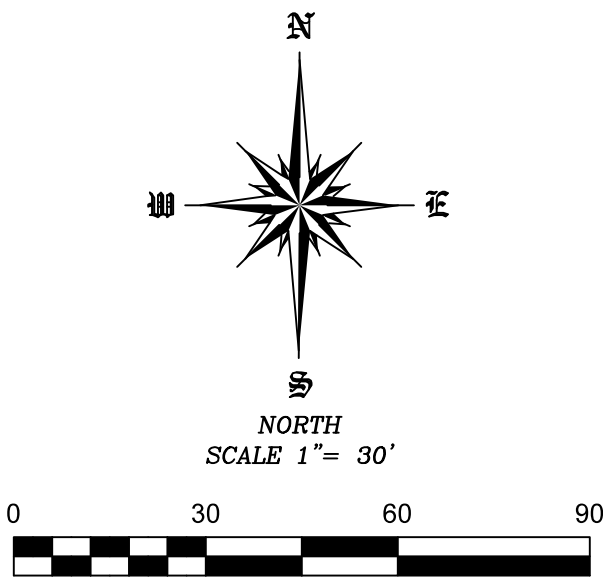
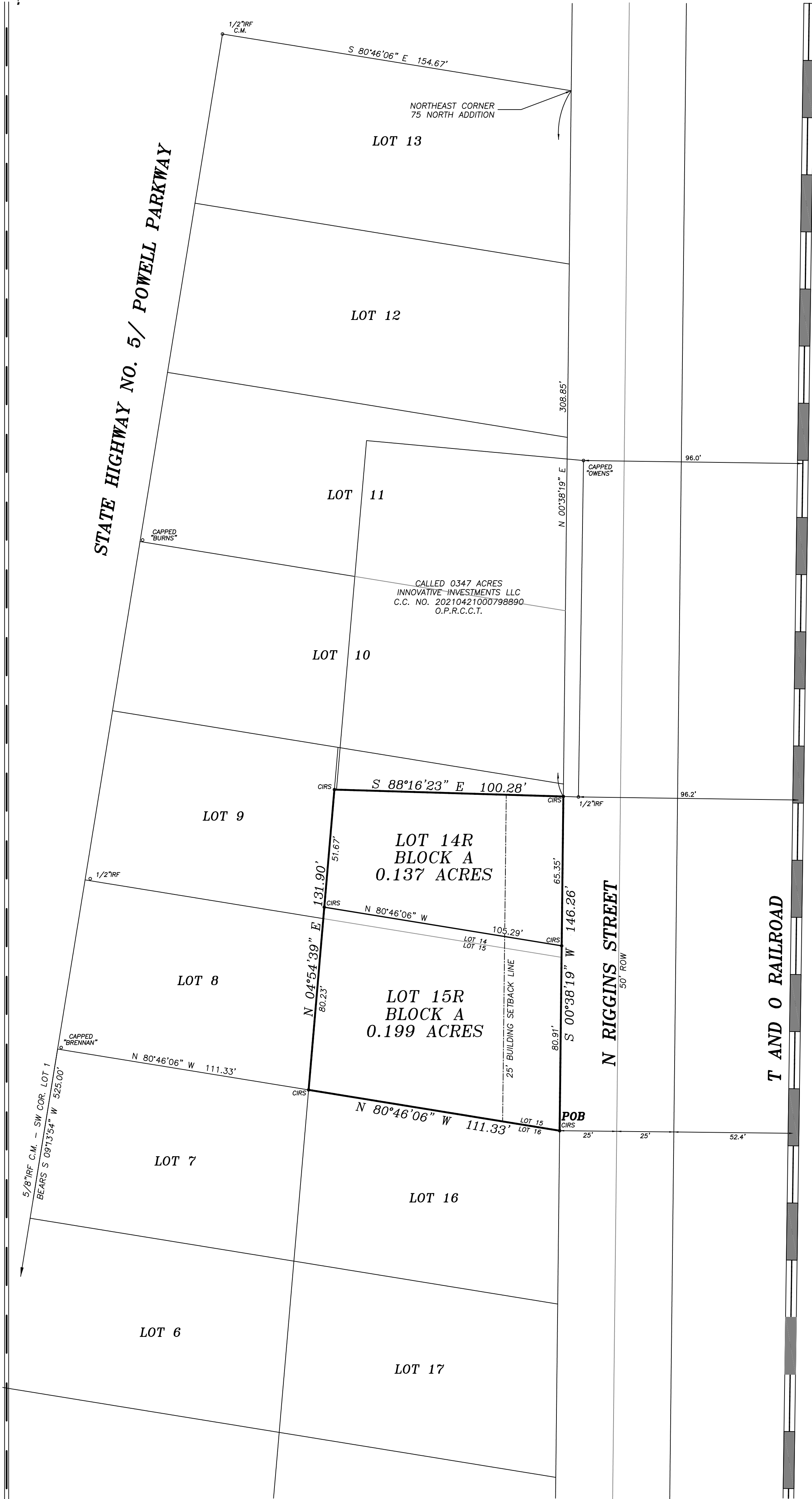
200' Notice
Boundary



ETJ



June 2022



LEGEND	
C.M. =	CONTROLLING MONUMENT
CIRF =	CAPPED 1/2" IRON ROD FOUND STAMPED (4613)
CIRS =	CAPPED 1/2" IRON ROD SET STAMPED (4613)
IRF =	IRON ROD FOUND
O.P.R.C.C.T. =	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
D.R.C.C.T. =	DEED RECORDS OF COLLIN COUNTY, TEXAS

SURVEY NOTES:

- The original copy will have original signatures, stamp seal and an impression seal.
- Copyright 2022, Surdukan Surveying, Inc.
- This survey is being provided solely for the use of the current parties.
- This survey is subject to all easements of record.
- The basis of bearings, are derived from ALLTERRA CENTRAL RTK Network, Texas State Plane Coordinates System, Nad83, North Central Zone, Nad 83 (CORS96) Epoch 2002.0.

PURPOSE STATEMENT:

The purpose of this replat is to modify the lot line between Lots 14 and 15, 5' north because the existing house crosses over the existing Lot line.

NOTICE:

Selling a portion of this addition by metes and bounds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.

FLOOD NOTE:

This property falls within Zone X (unshaded) according to the Flood Insurance Rate Maps, Panel No. 48085C0160 J, Map Revision June 2, 2009, as published by the Federal Emergency Management Agency for Collin County Unincorporated Areas.

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT I, DAVID J. SURDUKAN, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Anna, Collin County, Texas.

DAVID J. SURDUKAN R.P.L.S. NO. 4613

COUNTY OF COLLIN
STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared DAVID J. SURDUKAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2022.

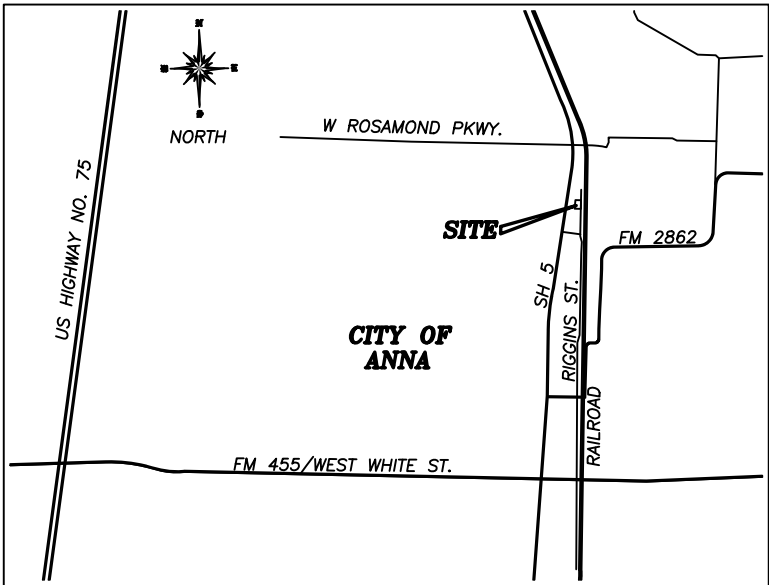
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

Accepted this ____ day of _____, 2022, by the City Council of the City of Anna, Texas.

(Mayor)

City Secretary



VICINITY MAP
NOT TO SCALE

COUNTY OF COLLIN
STATE OF TEXAS

WHEREAS, Riggins LLC AND Bryan Lee Peltier, are the owners of a tract of land situated in the G Morrison Survey, Abstract No. 559, City of Anna, Collin County, Texas, and being all of a tract of land conveyed to Riggins LLC as recorded in Document No. 202200080793 of the Official Public Records of Collin County, Texas and being all of a tract conveyed to Bryan Lee Peltier as recorded in Document No. 202200080793 of the Official Public Records of Collin County, Texas, and being all of Lot 15 and part of Lot 14 of the 75 North Addition, an addition to the City of Anna, Collin County, Texas, according to the plat thereof recorded in Volume 7, Page 82 of the Plat Records of Collin county, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "4613" set for corner at the southeast corner of said Lot 15, said iron rod being in the west Right Of Way line of North Riggins Street (50' ROW per 75 North Addition Plat);

THENCE N 80°46'06" W following the south line of said Lot 15 a distance of 111.33' to a 1/2" iron rod with yellow plastic cap stamped "4613" set for corner at the southwest corner of said Lot 15;

THENCE N 04°54'39" E following the west line of said Lot 15 and Lot 14 a distance of 131.90' to a 1/2" iron rod with yellow plastic cap stamped "4613" set for corner;

THENCE S 88°16'23" E a distance of 100.28' to a 1/2" iron rod with yellow plastic cap stamped "4613" set for corner;

THENCE S 00°38'19" W a distance of 146.26' to the POINT OF BEGINNING and containing 14,653 Square Feet or 0.336 Acres of land.

COUNTY OF COLLIN
STATE OF TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Riggins LLC AND Bryan Lee Peltier, are the owners, and does hereby adopt this plat designating the herein above described property as REPLAT 75 NORTH ADDITION, BLOCK A, LOTS 14R AND 15R an addition to the City of Anna, Collin County, Texas and do hereby dedicate to the public use forever, their streets, alleys and public use areas shown hereon, the easements, as shown, for mutual use and accommodation of the City of Anna and all public utilities desiring to use or using same. All and any and any public utility and the City of Anna shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths, which in anyway, endanger or interfere with the construction, maintenance or efficiency of it's respective systems on said Easements, and the City of Anna and all public utilities constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of it's respective systems, without the necessity, at anytime, of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Anna, Texas.

WITNESS MY HAND at Anna, Texas, this ____ day of _____, 2022.

SYEDA S HAQUE --RIGGINS LLC, MANAGING PARTNER

COUNTY OF COLLIN
STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared BRYAN SYEDA S HAQUE, known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

WITNESS MY HAND at Anna, Texas, this ____ day of _____, 2022.

BRYAN LEE PELTIER

COUNTY OF COLLIN
STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared BRYAN LEE PELTIER, known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

REPLAT
75 NORTH ADDITION
BLOCK A, LOTS 14R AND 15R
BEING A REPLAT OF LOT 15
AND PART OF LOT 14
75 NORTH ADDITION
BEING 0.336 ACRES OUT OF THE
G. MORRISON SURVEY, ABSTRACT NO. 559
CITY OF ANNA
COLLIN COUNTY, TEXAS

OWNER - LOT 14R
RIGGINS LLC
SYEDA HAQUE
10413 COLFAX DR.
MCKINNEY, TEXAS 75072
(972) 352-0102

OWNER - LOT 15R
BRYAN LEE PELTIER
1405 N RIGGINS STREET
ANNA, TEXAS 75409
(972) 924-8200

SURVEYOR
SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
FIRM NO. 10069500



Plans & Plats Development Application



Submittal

- | | |
|--|--|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☐ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |
| | ☐ Facade Plan |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

1.0 acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ _____, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: 75 North Addition Total Number of Acres: 0.336
Zoning Classification(s): SF-1 Total Number of Lots: 2
Location: 1405 N. Riggins Street, Anna, Texas 75409

Property Owner Information & Authorization

Name/Company: Bryan Lee Peltier
Address: 1405 N. Riggins Street
City: Anna State: TX Zip Code: 75409
Phone: 972-832-8406 Email: jessicamgonzales@yahoo.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate David Surdukan (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

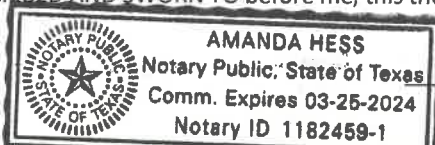
Property Owner's Signature: [Signature] Date: 6.6.2022

STATE OF: TEXAS

COUNTY OF: COLLIN

BEFORE ME, a Notary Public, on this day personally appeared Bryan Lee Peltier (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 6 day of June, 2022



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: _____

Company: _____

Address: 1405 N. Riggins Street

City: Anna State: TX Zip Code: 75409

Phone: _____ Email: jessicamgonzales@yahoo.com

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: 75 North Addition Total Number of Acres: 0.336
Zoning Classification(s): SF-1 Total Number of Lots: 2
Location: 1407 N. Riggins St., Anna, Texas 75409

Property Owner Information & Authorization

Name/Company: Syeda S. Haque / Riggins LLC, Managing Partner
Address: 10413 Colfax Dr
City: McKinney State: Texas Zip Code: 75072
Phone: _____ Email: samias.design@gmail.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate David Surdukan (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

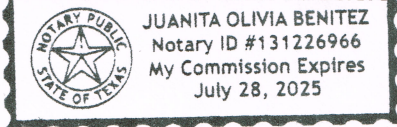
Property Owner's Signature: [Signature] Date: 05.24.22

STATE OF: TEXAS

COUNTY OF: COLLIN

BEFORE ME, a Notary Public, on this day personally appeared Syeda S. Haque (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 24th day of June, 2022



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: _____
Company: _____
Address: 10413 Colfax Dr
City: McKinney State: Texas Zip Code: 75072
Phone: _____ Email: samias.design@gmail.com

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 14.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Lauren Mecke

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 3.0± acres on the north side of Sam Rayburn Highway (S.H. 121), 2,070± feet west of E Farm-to-Market Road 455 from SF-E Single-Family Residential – Large Lot to C-2 General Commercial. Applicant: Paragon Realty Group, LLC.

SUMMARY:

Request to rezone 3.0± acres on the north side of Sam Rayburn Highway (S.H. 121), 2,070± feet west of E Farm to Market Road 455 from SF-E Single-Family Residential – Large Lot to C-2 General Commercial.

REMARKS:

The applicant is requesting to rezone the property in order to allow for commercial development. The General Commercial (C-2) district is intended to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service, and office uses characteristic of retailing and wholesaling markets.

The applicant has also submitted an annexation petition for the portion of the property that falls outside of the city limits. The Planning & Zoning recommendation is for the whole property.

Surrounding Land Use and Zoning

North Vacant land located in the ETJ

East Vacant land zoned C-2 General Commercial

South Across Sam Rayburn Memorial Highway, vacant land partially zoned SF-E Single-Family Residential – Large Lot and partially located in the ETJ

West Vacant land partially zoned SF-E Single-Family Residential – Large Lot and partially located in the ETJ

Future Land Use Plan – The Future Land Use Plan designates this property as Community Commercial.

Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, Community Commercial developments primarily provide services for residents of surrounding neighborhoods. Business types may include

restaurants, local retail, medical offices, banks and other retail and services.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 1: Growing Anna Economy

Goal 2: Sustainable Anna Community Through Planned Managed Growth

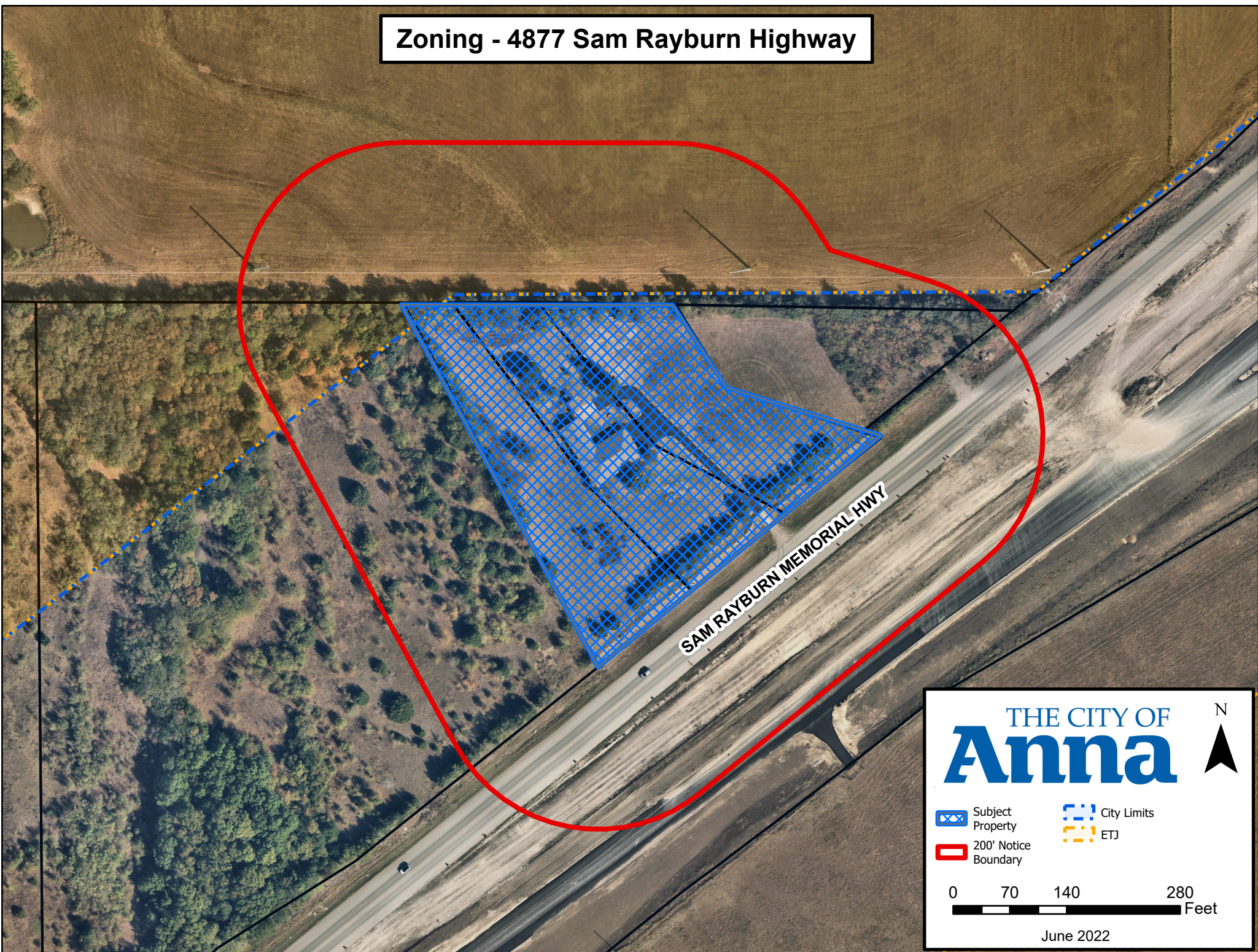
STAFF RECOMMENDATIONS:

The request is in conformance with the future land use plan and comprehensive plan.

ATTACHMENTS:

1. 4877 Sam Rayburn Highway Locator Map
2. Legal Description
3. 4877 Sam Rayburn Highway Application

Zoning - 4877 Sam Rayburn Highway



THE CITY OF
Anna

 Subject Property  City Limits
 200' Notice Boundary  ETJ

0 70 140 280
Feet

June 2022

N



EXHIBIT "A"
FIELD NOTE DESCRIPTION

A 3.021 ACRE TRACT OF LAND THAT IS A PART OF THE DAVID VAN WINKLE SURVEY, ABSTRACT NO. 937, COLLIN COUNTY, TEXAS, BEING ALL OF TRACTS ONE (1), TWO (2) AND THREE (3) OF THE TRACT CONVEYED TO ALEX JOHNSON IN DOCUMENT NO. 20111208001327520 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" IRON ROD WITH CAP AT THE SOUTHEASTERLY CORNER OF THAT TRACT CONVEYED TO RICHARD DZANSKI IN DOCUMENT NO. 20150826001080360 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, BEING ALSO ON THE NORTHWESTERLY RIGHT OF WAY LINE OF SAM RAYBURN HIGHWAY;

THENCE NORTH 28°29'42" WEST ON THE EASTERLY LINE OF SAID DZANSKI TRACT, A DISTANCE OF 508.53 FEET TO A FOUND 5/8" IRON ROD ON THE SOUTHERLY LINE OF TRACTS OWNED BY WKG ENTERPRISES LTD;

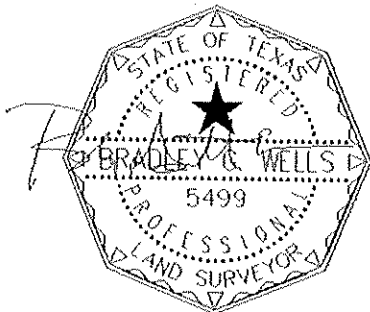
THENCE SOUTH 89°53'44" EAST ON A SOUTHERLY LINE OF SAID WKG TRACT, PASSING AT 55.57 FEET A FOUND 5/8" IRON ROD, A TOTAL DISTANCE OF 334.59 FEET TO A FOUND 5/8" IRON ROD AT THE NORTHWESTERLY CORNER OF THAT TRACT CONVEYED TO TREY SPYROPOULOS IN DOCUMENT NO. 20080606000688540 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS;

THENCE ON THE WESTERLY LINE OF SAID SPYROPOULOS TRACT THE FOLLOWING TWO COURSES:

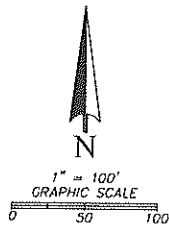
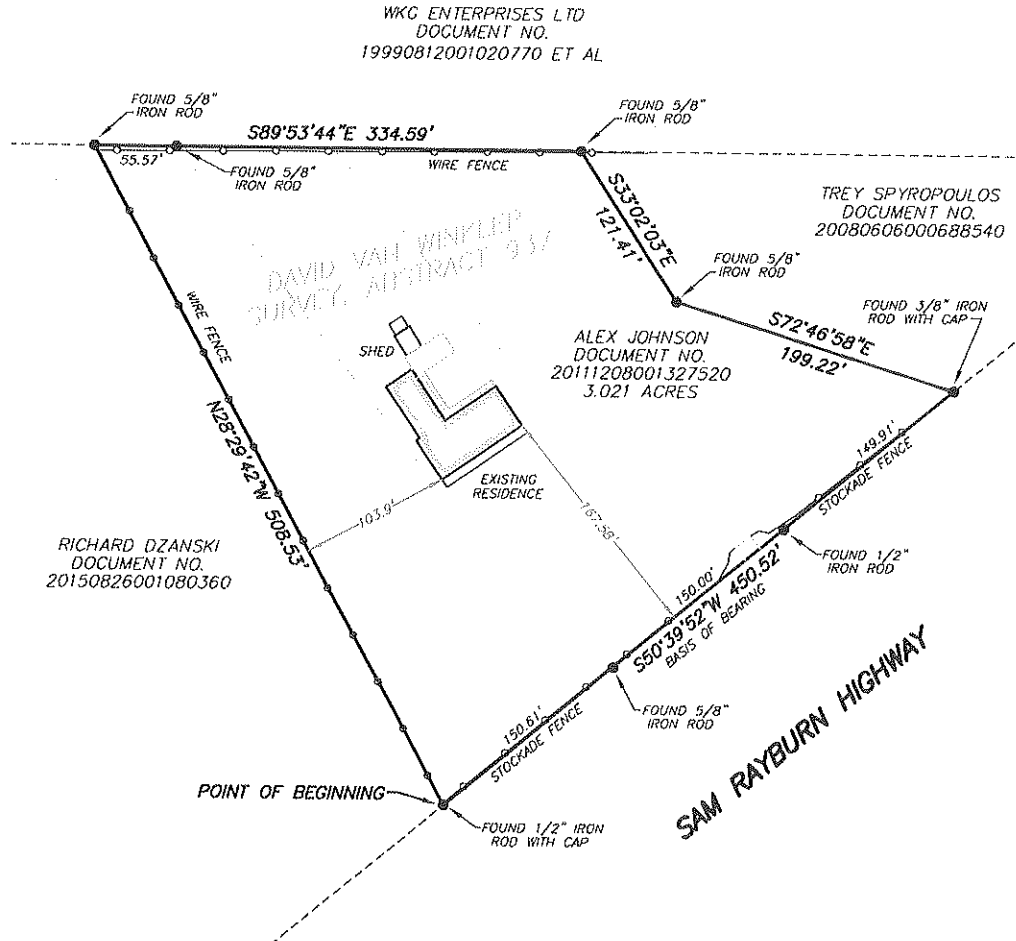
SOUTH 33°02'03" EAST, A DISTANCE OF 121.41 FEET TO A FOUND 5/8" IRON ROD,

SOUTH 72°46'58" EAST, A DISTANCE OF 199.22 FEET TO A FOUND 3/8" IRON ROD WITH CAP AT THE SOUTHWESTERLY CORNER OF SAID SPYROPOULOS TRACT, BEING ON THE NORTHWESTERLY RIGHT OF WAY LINE OF SAM RAYBURN HIGHWAY;

THENCE SOUTH 50°39'52" WEST ON SAID RIGHT OF WAY LINE, PASING AT 149.91 FEET A FOUND 1/2" IRON ROD, AT 299.91 FEET A FOUND 5/8" IRON ROD, FOR A TOTAL DISTANCE OF 450.52 FEET TO THE POINT OF BEGINNING.



STREET ADDRESS	LEGAL DESCRIPTION
4877 SAM RAYBURN HWY. ANNA, TX 75409	SEE ATTACHED EXHIBIT "A"

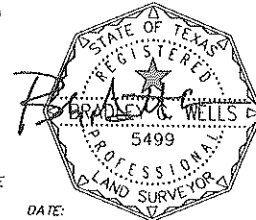


BASIS OF BEARING

THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTHWEST LINE OF SAM RAYBURN HIGHWAY, HAVING A GRID BEARING OF SOUTH 50°39'52\"

CERTIFICATION

THIS SURVEY IS THE RESULT OF AN ON-THE-GROUND SURVEY, AND THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, OR ROADWAYS, EXCEPT AS OTHERWISE SHOWN BY THE SURVEY, ALL MONUMENTS SHOWN EXIST AND THE LOCATION AND SIZE SHOWN ARE TRUE AND CORRECT.



SYMBOL LEGEND

- MONUMENT FOUND AS NOTED
- MONUMENT SET AS NOTED
- () RECORD VALUE PER DEED
- NO () MEASURED VALUE

DATE:
OCTOBER 4, 2021

SURVEY JOB #	CLIENT INFORMATION	SURVEYOR INFORMATION
21-1189		
SURVEY INVOICE #		
239		
CERTIFIED TO:		
KELLER WILLIAMS PARAGON GROUP PARHAM GHASSEMI	KW PARAGON GROUP	BRAD WELLS, RPLS 315 FAIRLAND DRIVE WYLIE, TX 75098 (405) 305-8325 wellsbg@gmail.com
	FLOOD ZONE	
THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.	ACCORDING TO FEMA F.I.R.M. MAP 48085C0180J WITH AN EFFECTIVE DATE OF 06/02/2009, THE SUBJECT PROPERTY LIES IN ZONE "X", AN AREA OF MINIMAL FLOOD HAZARD.	DATE REVISION 1 DATE REVISION 2

Application for Zoning Change



Project Type

- ☒ Change of zoning classification (*initial/straight re-zoning*) to: C-2
- ☐ Planned Development using base zoning classification: _____
- ☐ Specific Use Permit for: _____

NOTE: Failure to obtain final approval on this case within six months may constitute denial or withdrawal of this case by Council or Staff without refund of fees. Fees required for this application established by the City of Anna must be submitted simultaneously with this application for acceptance.

Existing Zoning

- | | |
|--|---|
| ☐ AG Agricultural District | ☐ C-1 Restricted Commercial |
| ☒ SF-E Single-Family Residential - Large Lot | ☐ C-2 General Commercial |
| ☐ SF-1 Single-Family Residential | ☐ NC Neighborhood Convenience District |
| ☐ SF-84 Single-Family Residential District - 84 | ☐ CBRD Central Business Redevelopment District |
| ☐ SF-72 Single-Family Residential District - 72 | ☐ C-3 Planned Center District |
| ☐ SF-60 Single-Family Residential District - 60 | ☐ O-1 Office District |
| ☐ SF-Z Single-Family Residential District - Zero Lot Line Homes | ☐ I-1 Light Industrial District |
| ☐ SF-TH Single-Family Residential District - Townhomes | ☐ I-2 Heavy Industrial District |
| ☐ MH-1 Manufactured Home District | ☐ PD Planned Development District |
| ☐ MH-2 Manufactured Home Park District | |
| ☐ TF Two-Family Residential | ☐ THOR Thoroughfare Overlay District |
| ☐ MF-1 Multiple-Family Residential - Low Density | ☐ F-B Food and Beverage Overlay District |
| ☐ MF-2 Multiple-Family Residential - High Density | |

Fees

Zoning	\$300, plus \$10 per acre
Planned Development	\$500, plus \$30 per acre
Specific Use	\$300 plus \$10 per acre (Mobile Homes \$300)

Reason for Zoning Change

To better align with 2050 Comprehensive Plan.

For future commercial development.

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov

Plans & Plats Development Application



Submittal

- | | |
|--|--|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☐ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

3.0 acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ 530.-, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: _____ Total Number of Acres: 3.021
Zoning Classification(s): SF- E Total Number of Lots: 1
Location: 4877 San Rayburn Highway

Property Owner Information & Authorization

Name/Company: Parham Ghassemi / Paragon Realty Group, LLC
Address: 3948 Legacy Drive, Suite 106
City: Plano State: TX Zip Code: 75023
Phone: 972-505-9312 Email: igo247@gmail.com

Project Representation (check one):

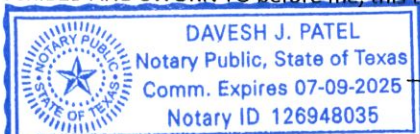
- ☐ I will represent the application myself; OR
☒ I hereby designate Christopher Orr (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: _____ Date: 5/2/22
STATE OF: TEXAS
COUNTY OF: COWIN

BEFORE ME, a Notary Public, on this day personally appeared PARHAM GHASSEMI (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 2 day of JUNE, 2022



NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Project Manager
Name: Christopher Orr
Company: CSO Development Services, LLC
Address: 8301 LAKEVIEW PARKWAY, SUITE 111-237
City: ROWLET State: TX Zip Code: 75083
Phone: 214.724.9281 Email: CHRISTOPHER. ORR @ CSO DEVELOPMENT. NET

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 15.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 0.4± acre located on the west side of N. Riggins Street, 670± north of Anthony Street from SF-1 Single-Family Residential District to Planned Development-SF-TH Townhome District with modified development standards. Applicant: Innovative Investments Inc.

SUMMARY:

At the June 6, 2022 Planning & Zoning Commission meeting the commission closed the public hearing and tabled the item in order for the applicant to provide a rendering of the townhouse product being proposed. Attached, Exhibit 2, is a rendering provided by the applicant.

In October 2021 a similar rezoning request was presented to the city for the subject property (SF-TH Townhome District with modified development standards). The request was associated with an 8-unit townhome development on one lot with modified development standards.

REMARKS:

The current zoning request is to allow a six (6) unit townhouse development with modified development standards. The SF-TH district is intended to provide for a medium density residential environment of attached townhome units.

A Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

A Concept Plan, Salida Del Sol, Block A, Lot 1, accompanies this rezoning request (Exhibit A).

Surrounding Land Use and Zoning

The area of the request is currently developed as a single-family residence, detached neighborhood. The surrounding zoning is Single-Family Residential District - 1 (SF-1). The SF-1 zoning is designed to accommodate the standard single-family residential development. The typical lot size within this neighborhood is 7,500 square feet, which is larger than most existing/proposed single-family residential subdivisions. The properties to the north, south, and west are developed as single-family residences detached and to the east, across N. Riggins Street is the DART rail line.

Proposed Planned Development Stipulations

The applicant is proposing to modify existing development standards of the SF-TH zoning district. Townhouse units would be allowed by-right and subject to the following additional standards;

1. Minimum Lot Width (feet): 15

City Regulation: Lot width for a lot containing townhouse units shall be not less than 20 feet per ground floor unit plus side yard requirements.

2. Minimum Lot Depth (feet): 95

City Regulation: Min. lot depth (feet): 160

3. Min. Lot area/size (feet): 2,500 per unit

City Regulation: Minimum lot sizes for townhouses and zero lot line houses shall be 2,700 square feet per unit.

4. Rear Entry provision: (removed)

5. Driveway Parking Area: 45% of residential front yard

City Regulation: A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15% of any residential front yard.

6. General Landscape Standard Allow mature tree (25 feet or greater) within 25 feet of the nearest overhead utility.

Attached, Exhibit 1, is the applicants proposed justification associated with the modified standards request.

Conformance with the City of Anna Strategic Plan and Comprehensive Plan

Future Land Use Map – The Future Land Use Map designates this property within the Downtown Master Plan limits classified as “Intown Residential”

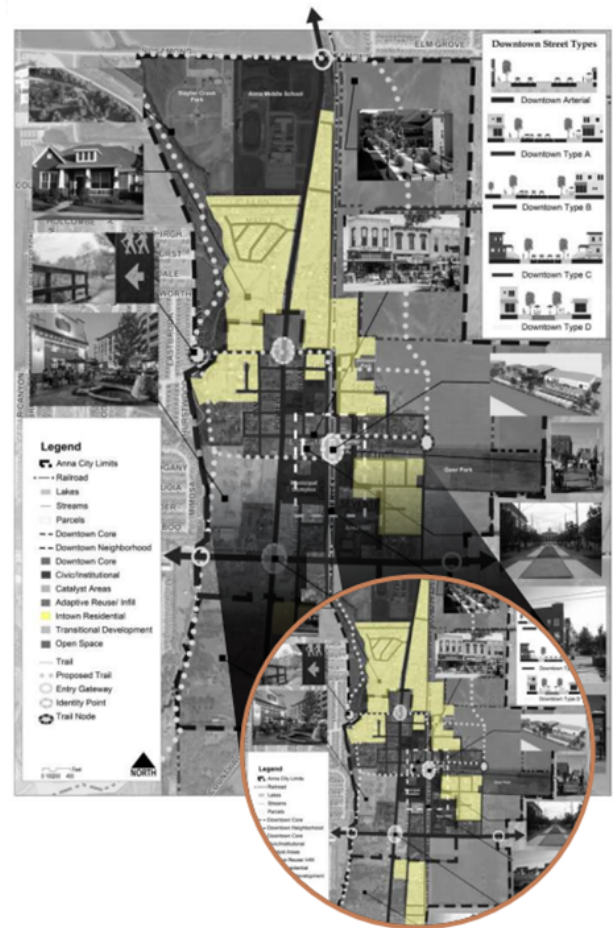
Intown Residential

Downtown Anna contains several pockets of historic residential fabric that surround the Downtown Core, defining the character of this area and supporting it as a unique and diverse district. As the community grows over time, reinvestment in the Intown Residential areas will remain essential in maintaining and elevating the quality of each neighborhood. These areas, along with surrounding undeveloped parcels, can provide the critical residential base necessary to support the businesses envisioned for Downtown. Additionally, there is an opportunity to provide a wide range of more urban housing products that could accommodate people at all stages of their lives. Future land use decisions in this area should emphasize sound neighborhood placemaking principles, such as walkable streets and amenitized open spaces, to reinforce civic life and allow neighbors to maintain connections throughout their community.

The following primary building types are appropriate in Intown Residential (Detached residential):



The following secondary building types are appropriate in Intown Residential (Churches, Civic Structures, Accessory Structures, Open Spaces):



Townhomes (although not listed as a primary building type) are shown in the illustrations as appropriate primary building types. The requested PD language would allow for an urban style of development within $\frac{3}{4}$ mile of the heart of the Downtown Core as identified in the Anna 2050 Downtown Master Plan. The proposed land use is consistent with the Master Plan due to providing the critical residential base necessary to support businesses envisioned for Downtown and providing for a more urban housing product that could accommodate people at all stages of their lives.

ISSUES:

The city's zoning regulations were adopted to promote health, safety, morals, and general welfare of the community. They're made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water,

sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

While the proposed SF-TH land use is supported by the Downtown Master Plan, the zoning request is seeking to modify adopted standards which are intended to provide for the orderly, safe, health, and uniform development within the city.

There are three (2) regulations the applicant is seeking relief that would not be needed if the development was reduced by one (1) townhouse unit.

1. Minimum lot area (2,700 per unit).
2. Minimum lot width (20 feet per unit plus side yard requirements).

When considering planned development zoning requests City officials need to identify what benefits the particular request brings to the city as well as benefits to the surrounding area/neighborhoods.

The applicants general statement citing the reason for the reduced lot area and lot width provides no justification behind the variance request other than identifying a land use:

“The variance will allow for units to be developed on this site which complement the Anna 2050 Downtown Master Plan; specifically, Intown Residential”

CONCLUSION:

Request to rezone 0.4± acre from Single-Family Residence-1 (SF-1) to Planned Development-Single-Family Residence – Townhome (PD-SF-TH) to allow from a townhouse unit development with modified development standards.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

Below are recommended restrictions if the Commission votes in favor of the zoning request:

Restrictions:

1. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).

2. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the SF-TH Townhome District (SF-TH) and the Planning and Development Regulations except as otherwise specified herein.

i. Permitted land use: Townhouse

ii. Lot Area (feet): 2,500 per unit

iii. Min. Lot Width (feet): 15

iv. Min. Lot Depth (feet): 95

v. Removal of the miscellaneous provision requiring rear entry off-street parking.

vi. Single-width driveway allowed to utilize 45% of the residential front yard.

vii. Allow mature tree (25 feet or greater) within 25 feet of the nearest overhead utility.

3. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.

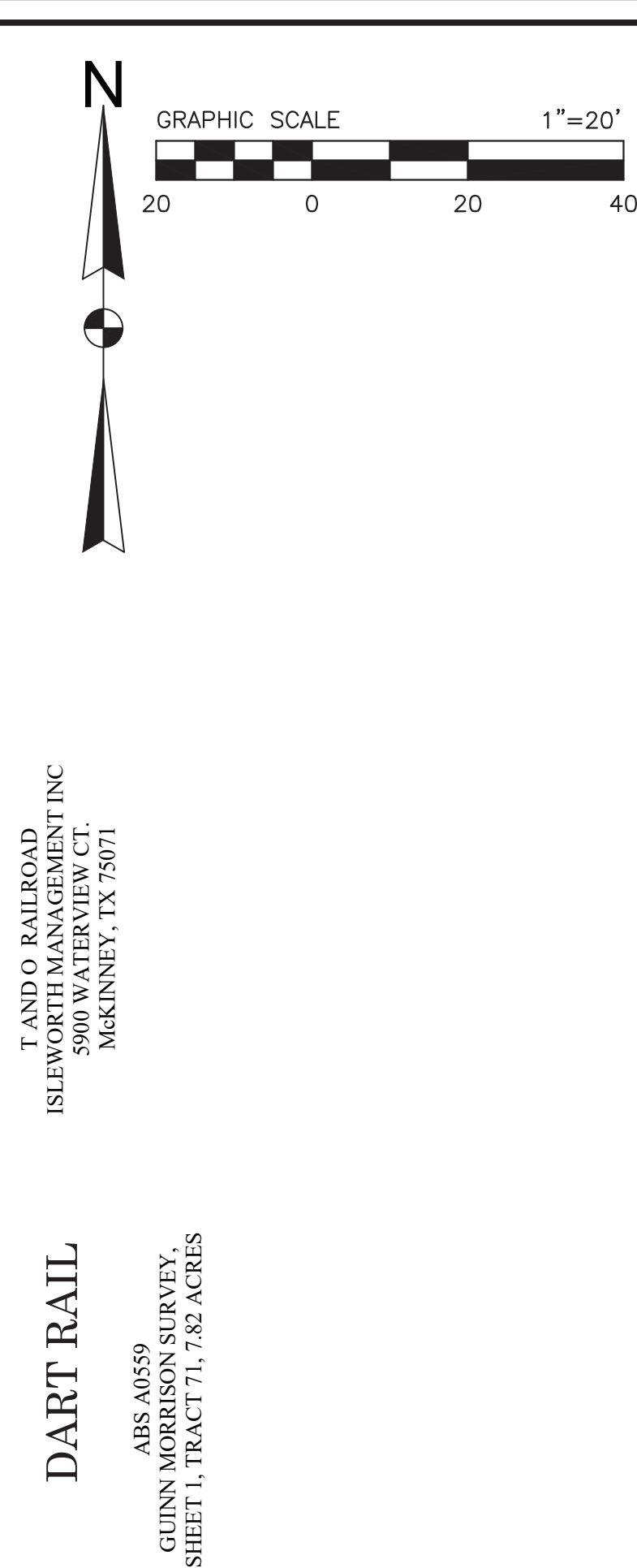
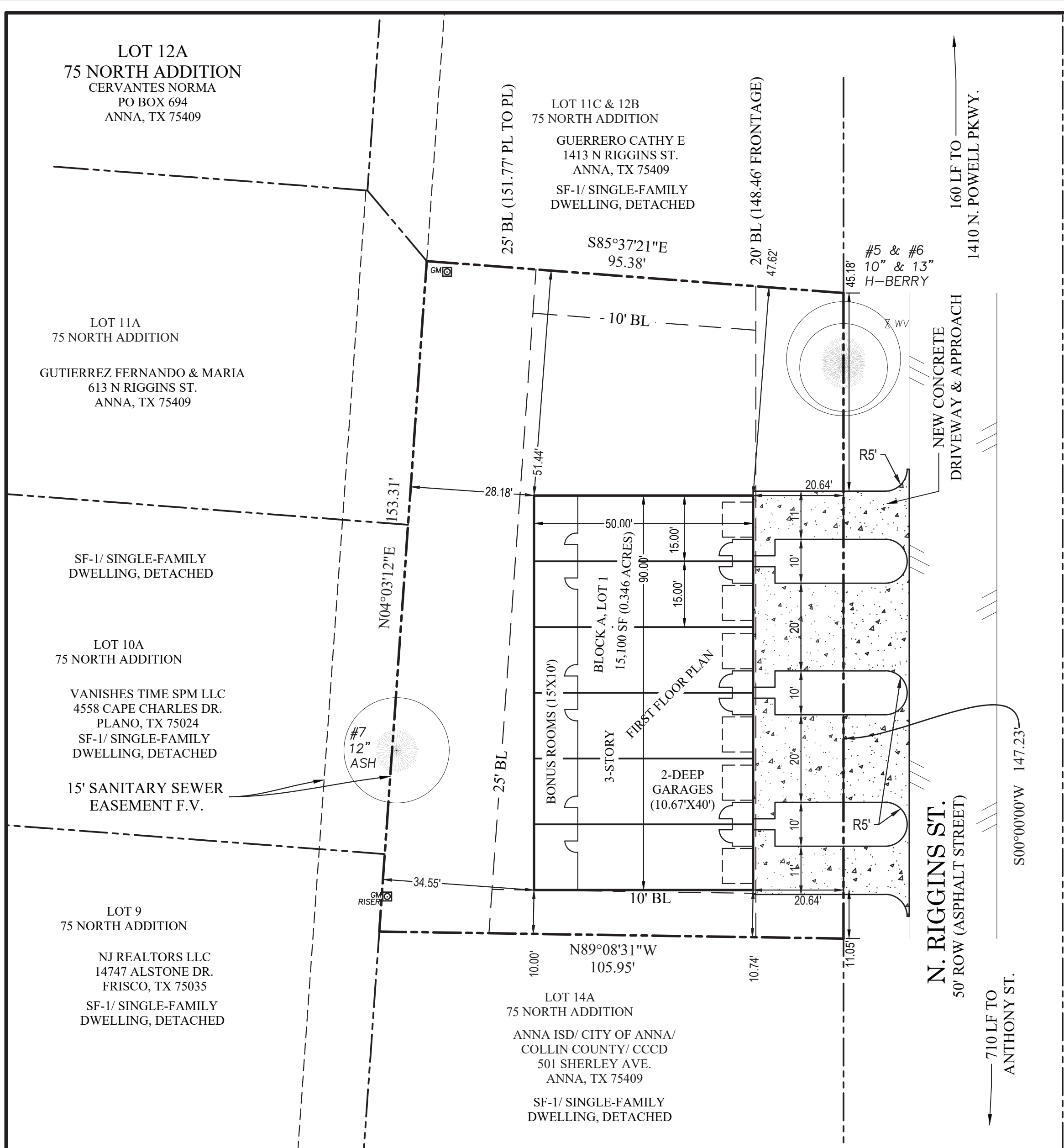
4. The Concept Plan will expire after two (2) years of approval.

ATTACHMENTS:

1. Salida Del Sol Zoning Locator Map
2. Exhibit A - Salida Del Sol, Bl A, Lt 1 - Concept Plan
3. Exhibit 1 - Salida Del Sol (PD justification)
4. Exhibit 2 - Salida Del Sol 6 Plex rendering (updated)
5. Response 1 - Salida Del Sol Zoning
6. 1409 Riggins Zoning Application

Zoning - Salida Del Sol, Block A, Lot 1





SITE PLAN

SITE LOCATOR MAP

SITE DATA SUMMARY TABLE (1409 N. RIGGINS STREET)	
Item	Lot 1
General Site Data	
Existing Zoning (from Zoning Map)	SF-1
Proposed Zoning	PD-TH
Land Use (from Zoning Ordinance)	Townhouse
Lot Area (square feet & acres)	15,110
Building Footprint Area (square feet)	4,500
Total Building Area (square feet)	13,500
Building Height (# stories)	3
Building Height (feet - distance to tallest building element)	35 feet
Lot Coverage (percent - x.xx%) Bldg. only	30%
Lot Coverage (percent - x.xx%) Bldg., Lead Walk & Driveway	39%
Parking	
Parking Ratio (from Zoning Ordinance)	2/Dwelling
Required Parking (# spaces) - 6 Units	12
Provided Parking (# spaces)	12
Accessible Parking Required (# spaces)	0
Accessible Parking Provided (# spaces)	0
Landscape Area (including turf areas)	
Required internal landscape area (square feet - 8 sf/parking space)	96
Additional interior landscape area provided (sf)	411
Total Landscape Area (square feet)	9,218

Exhibit A

ENGINEER

J. S. Ground Engineering, LLC
4108 Dundee Court
Colleyville, Texas 76034
Firm Registration No. F-1276
Jeff Ground, PE, CFM (817) 320-5330
jsg@jsgroundengineering.com

BUILDER/OWNER

DSH CONSTRUCTION LLC
208 South Johnson, Suite 315
McKinney, TX 75069
Derek Humphreys (903) 357-3286
derek@dsbuild.com

CITY APPROVAL STAMPS

NO.	DATE	REVISIONS
		APP.

CONCEPT PLAN

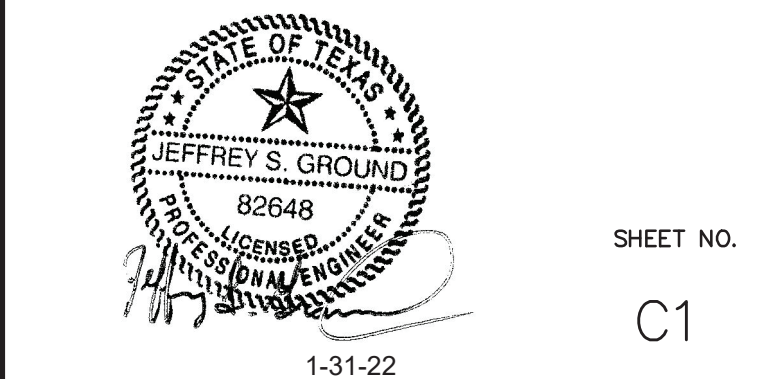
SALIDA DEL SOL

BLOCK A, LOT 1

Gwynn Morrison Survey, Abstract No. 559
Part of Lots 10, 11 & 14; (15,110 SF)
75 NORTH ADDITION, COLLIN CO.

J. S. Ground Engineering, LLC
4108 Dundee Court (817) 320-5330 ph.
Colleyville, Texas 76034 jsg@jsgroundengineering.com
Firm Registration No. F-1276

SCALE: _____ DGN. BY: JSG
DATE: JANUARY 31, 2022 DWN. BY: WJW
JSGE NO. _____ DWG. NO. _____



SHEET NO.

C1

1-31-22

Density: Density is only stated as “Medium” Density per Sec. 9.04.015 SF-TH; a specific number of units per acre is not provided. High Density is defined as a maximum of 25 units per gross acre in Sec. 9.04.020 (j), MF-2 Multiple-Family Residential - High Density (Miscellaneous Provisions). Medium Density is defined as a maximum of 12 units per gross acre in Sec. 9.04.019 (j), MF-1 Multiple-Family Residential - Medium Density (Miscellaneous Provisions).

Salida Del Sol calculates at 17 units per gross acre; however, only 6 units are proposed for this project. Each unit will be sprinklered for fire protection with two (2) points of entry and exit for safety. The variance for this density will allow for units to be developed on this site which complement the **Anna 2050 Downtown Master Plan**; specifically, Intown Residential (ref. page 21). This project is within the identified “Intown residential” area.

Lot area (feet): Appendix 1 shows zoning SF-TH to have a lot area of 2,700 sf per unit.

Salida Del Sol calculates at 2,517 sf per unit. The lot depth is less than 160’ and the width varies as the shape is not uniform. This project is a three-story structure under the 35’ maximum height and the building covers 30% of the lot. The variance for lot area per unit will allow for units to be developed on this site which complement the **Anna 2050 Downtown Master Plan**; specifically, Intown Residential (ref. page 21). This project is within the identified “Intown residential” area.

Minimum lot depth (feet): Appendix 1 shows zoning SF-TH to have a minimum lot depth of 160 feet.

Salida Del Sol has a minimum lot depth of 95.38’ and the proposed project is within the front and rear setbacks. The variance for minimum lot depth will allow for a project to be developed on this site which complements the **Anna 2050 Downtown Master Plan**; specifically, Intown Residential (ref. page 21). This project is within the identified “Intown residential” area.

Sec. 9.04.015(d)(2), SF-TH Townhome District (Height & Area Requirements; Lot Area): This section specifies minimum lot sizes for townhouses shall be 2,700 square feet per dwelling unit.

Salida Del Sol calculates at 2,517 sf per unit. This project is a three-story structure under the 35’ maximum height and the building covers 30% of the lot. The variance for minimum lot size per dwelling unit will allow for units to be developed on this site which complement the **Anna 2050 Downtown Master Plan**; specifically, Intown Residential. This project is within the identified “Intown residential” area.

Sec. 9.04.015(g)(1), SF-TH Townhome District (Miscellaneous provisions, rear entry off-street parking): This section specifies rear entry off-street parking shall be provided.

Salida Del Sol has a wide shallow lot and to provide rear entry parking does not complement the adjacent single-family residents to the rear. The present site layout respects the vegetative green space all the properties in this area share at the rear of their lots. The variance for rear entry off-street parking will allow for units to be developed on this site which complement the adjacent zoning and properties as there is not an alley way along the rear property lines in this neighborhood.

Sec. 9.06.006(a)(5), LANDSCAPE REGULATIONS (Minimum landscaping requirements; General, horizontal location to nearest overhead utility line): This section specifies no trees with a maximum mature height of 25 feet or greater may be planted within 25 feet measured horizontally from the nearest overhead utility line.

Salida Del Sol is a shallow lot of 95.38’ depth. There are overhead utility lines along the front and rear of the lot. The variance for horizontal spacing from overhead utility lines will allow for this project to plant trees within the 20’ front yard setback.



THE CITY OF Anna

Please circle one:

In favor of request

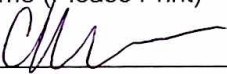
Neutral to request

Opposed to request

Comments:

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Charles R Bridges
Name (Please Print)


Signature

140 Winkedge Way, Oakport TX 75068
Address

6-1-2022
Date

Please return form to:

USPS Mail:

City of Anna
Planning and Development Department
P.O. Box 776
Anna, TX 75409

Hand Delivery:

Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to LMECKE@annatexas.gov
Subject: Zoning Response

Application for Zoning Change



Project Type

- ☐ Change of zoning classification (*initial/straight re-zoning*) to: _____
- ☒ Planned Development using base zoning classification: SF-TH
- ☐ Specific Use Permit for: _____

NOTE: Failure to obtain final approval on this case within six months may constitute denial or withdrawal of this case by Council or Staff without refund of fees. Fees required for this application established by the City of Anna must be submitted simultaneously with this application for acceptance.

Existing Zoning

- | | | | |
|--|--|-------------------------------|---|
| ☐ AG | Agricultural District | ☐ C-1 | Restricted Commercial |
| ☐ SF-E | Single-Family Residential - Large Lot | ☐ C-2 | General Commercial |
| ☒ SF-1 | Single-Family Residential | ☐ NC | Neighborhood Convenience District |
| ☐ SF-84 | Single-Family Residential District - 84 | ☐ CBRD | Central Business Redevelopment District |
| ☐ SF-72 | Single-Family Residential District - 72 | ☐ C-3 | Planned Center District |
| ☐ SF-60 | Single-Family Residential District - 60 | ☐ O-1 | Office District |
| ☐ SF-Z | Single-Family Residential District - Zero Lot Line Homes | ☐ I-1 | Light Industrial District |
| ☐ SF-TH | Single-Family Residential District - Townhomes | ☐ I-2 | Heavy Industrial District |
| ☐ MH-1 | Manufactured Home District | ☐ PD | Planned Development District |
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| ☐ TF | Two-Family Residential | ☐ THOR | Thoroughfare Overlay District |
| ☐ MF-1 | Multiple-Family Residential - Low Density | ☐ F-B | Food and Beverage Overlay District |
| ☐ MF-2 | Multiple-Family Residential - High Density | | |

Fees

See the [Fee Schedule](#) on our website.

Reason for Zoning Change

Create a planned development which complements the Anna 2050 Downtown Master Plan; specifically, Intown Residential (ref. page 21). This property is within the identified "Intown Residential" area.

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: 75 North Addition Total Number of Acres: 0.35
Zoning Classification(s): SF-1 Total Number of Lots: 1
Location: 1409 Riggins

Property Owner Information & Authorization

Name/Company: Innovative Investments Inc.
Address: 140 W. Waters Edge Way
City: Oak Point State: TX Zip Code: 75068
Phone: 817-458-2338 Email: crb1106@gmail.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Jeff Ground (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

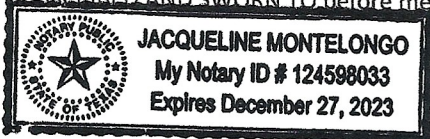
Property Owner's Signature: [Signature] Date: 8/30/21

STATE OF: TEXAS

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Charles R. Bridges (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 30 day of August, 2021



Jacqueline Montelongo
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: Jeff Ground
Company: J. S. Ground Engineering, LLC
Address: 4108 Dundee Ct.
City: Colleyville State: TX Zip Code: 76034
Phone: 817-320-5330 Email: jsg@jsggroundengineering.com

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 16.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/5/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Action on the Salida Del Sol, Block A, Lot 1, Concept Plan. Applicant: Innovative Investments Inc.

SUMMARY:

Townhouse residences on 0.4± acre located on the west side of N. Riggins Street, 670± feet north of Anthony Street.

This concept plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose for the concept plan is to show the future townhouse development and related site improvements. The concept plan complies with the zoning districts area regulations as requested by the zoning case.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATIONS:

If the zoning amendment is recommended for approval; Concept Plan approval subject to City Council approval of the zoning request.

ATTACHMENTS:

1. Salida Del Sol Concept Plan Locator Map
2. Exhibit A - Salida Del Sol, Bl A, Lt 1 - Concept Plan
3. Salida Del Sol Concept Plan Application

Concept Plan - Salida Del Sol, Block A, Lot 1



THE CITY OF
Anna



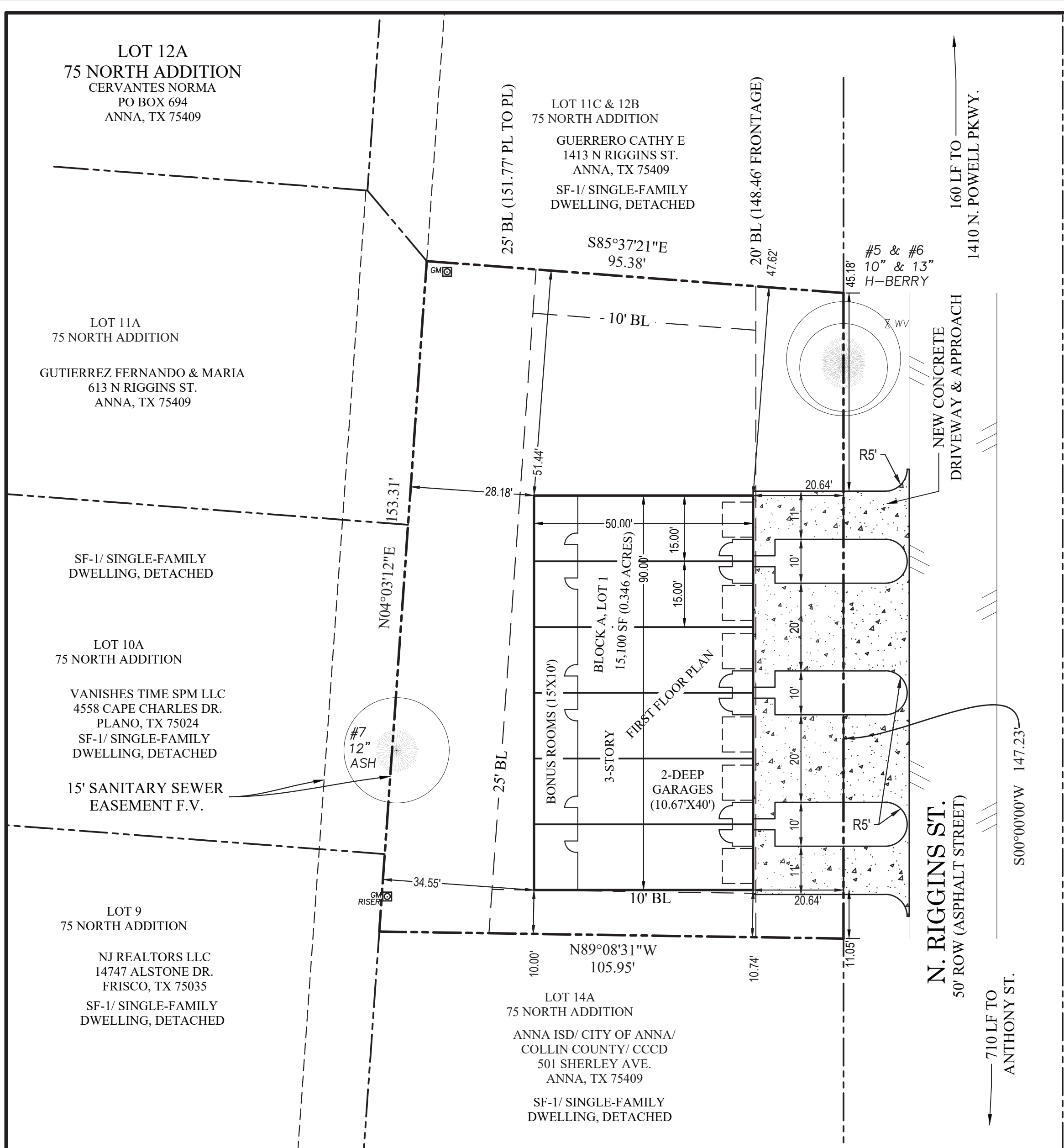
 Subject Property

 City Limits

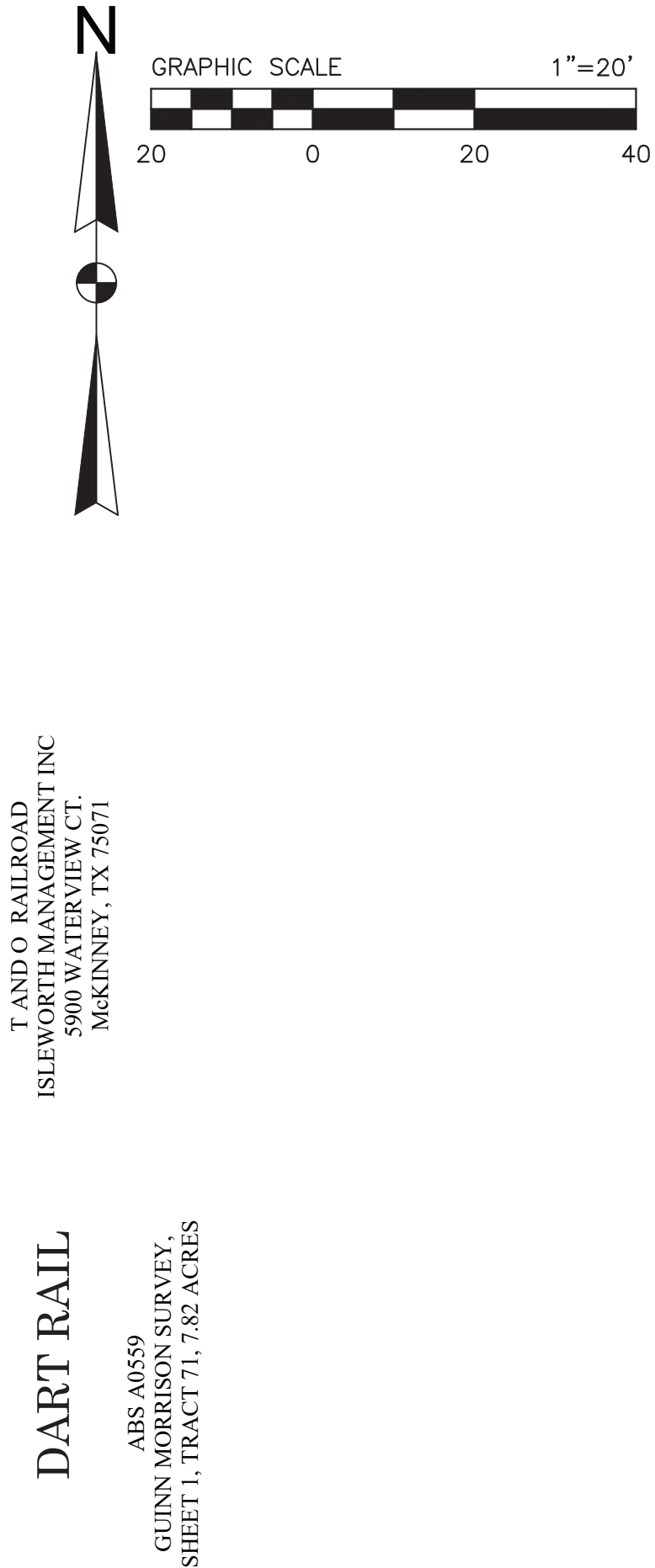
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Feet

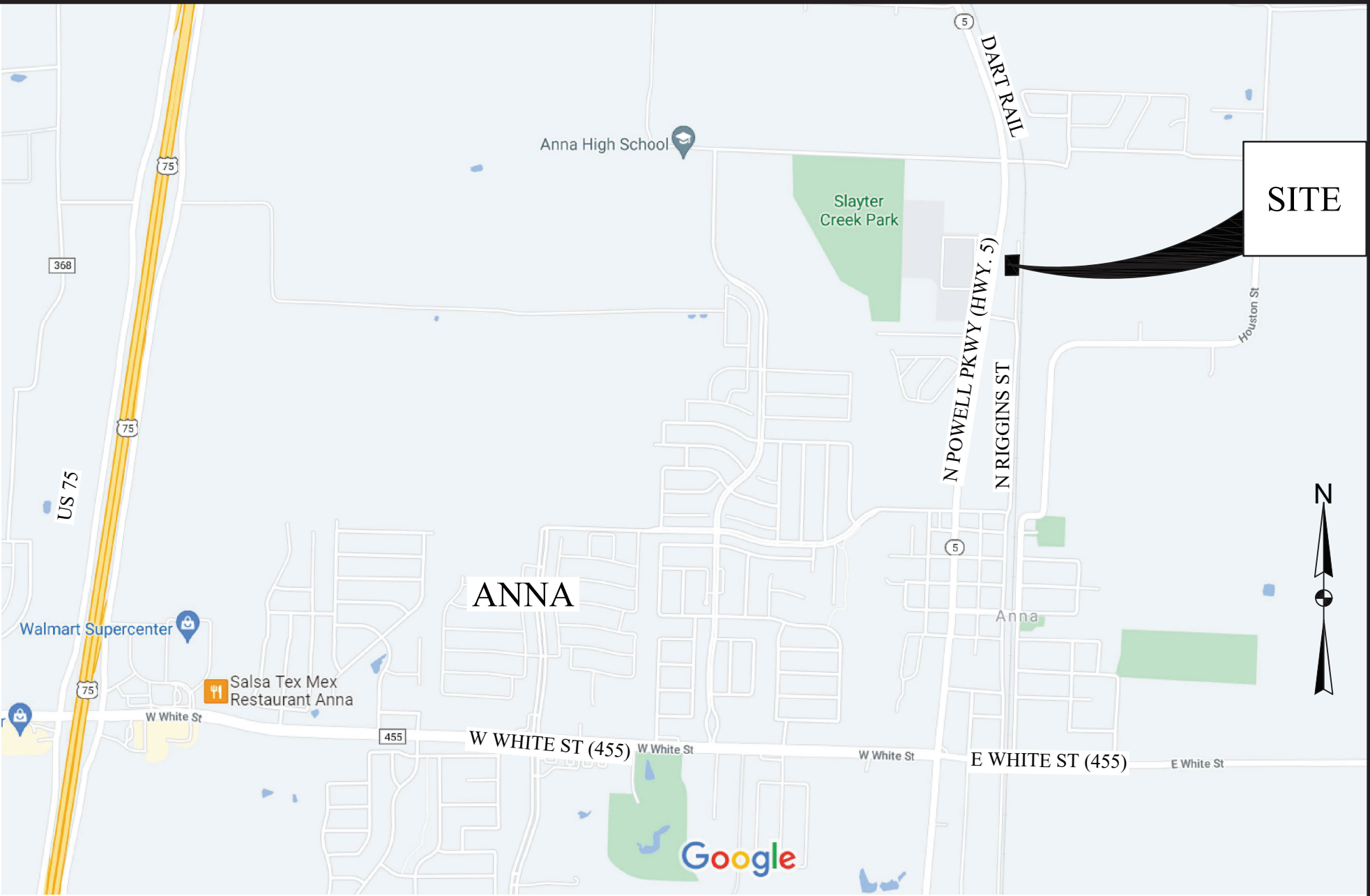
May 2022



SITE PLAN



SITE DATA SUMMARY TABLE (1409 N. RIGGINS STREET)	
Item	Lot 1
General Site Data	
Existing Zoning (from Zoning Map)	SF-1
Proposed Zoning	PD-TH
Land Use (from Zoning Ordinance)	Townhouse
Lot Area (square feet & acres)	15,110
Building Footprint Area (square feet)	4,500
Total Building Area (square feet)	13,500
Building Height (# stories)	3
Building Height (feet - distance to tallest building element)	35 feet
Lot Coverage (percent - x.xx%) Bldg. only	30%
Lot Coverage (percent - x.xx%) Bldg., Lead Walk & Driveway	39%
Parking	
Parking Ratio (from Zoning Ordinance)	2/Dwelling
Required Parking (# spaces) - 6 Units	12
Provided Parking (# spaces)	12
Accessible Parking Required (# spaces)	0
Accessible Parking Provided (# spaces)	0
Landscape Area (including turf areas)	
Required internal landscape area (square feet - 8 sf/parking space)	96
Additional interior landscape area provided (sf)	411
Total Landscape Area (square feet)	9,218



SITE LOCATOR MAP



CITY APPROVAL STAMPS

NO.	DATE	REVISIONS
		APP.

CONCEPT PLAN

SALIDA DEL SOL
BLOCK A, LOT 1

Gwynn Morrison Survey, Abstract No. 559
Part of Lots 10, 11 & 14; (15,110 SF)
75 NORTH ADDITION, COLLIN CO.

J. S. Ground Engineering, LLC
4108 Dundee Court
Colleyville, Texas 76034
Firm Registration No. F-1276
(817) 320-5330 ph.
jsg@jsgroundengineering.com

SCALE: _____ DGN. BY: JSG
DATE: JANUARY 31, 2022 DWN. BY: WJW
JSGE NO. _____ DWG. NO. _____

SHEET NO.
C1

1-31-22

Exhibit A

ENGINEER

J. S. Ground Engineering, LLC
4108 Dundee Court
Colleyville, Texas 76034
Firm Registration No. F-1276
Jeff Ground, PE, CFM (817) 320-5330
jsg@jsgroundengineering.com

BUILDER/OWNER

DSH CONSTRUCTION LLC
208 South Johnson, Suite 315
McKinney, TX 75069
Derek Humphreys (903) 357-3286
derek@dsbuild.com

Submittal

- | | |
|--|---|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☒ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☒ Landscape Plan |
| ☐ Amended Plat | ☒ Tree Preservation |
| ☐ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Anna.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

0.35 acre(s)

Fees

Please see the Fee Schedule, available on the [city website](#).

The application fee of \$ 1,280.00, to be paid to the City of Anna at least 1 week prior to planning commission meeting.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Fee Summary this Submittal:

Zoning: \$1,000 + \$30/acre (rounded up) = \$1,030

Site Plan: \$100/acre (rounded up); \$250 if less than 3 acres = \$250

Amount: \$1,280.00

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: 75 North Addition Total Number of Acres: 0.35
Zoning Classification(s): SF-1 Total Number of Lots: 1
Location: 1409 Riggins

Property Owner Information & Authorization

Name/Company: Innovative Investments Inc.
Address: 140 W. Waters Edge Way
City: Oak Point State: TX Zip Code: 75068
Phone: 817-458-2338 Email: crb1106@gmail.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Jeff Ground (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

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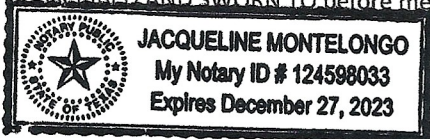
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