

**MINUTES
PLANNING AND ZONING COMMISSION
March 7, 2022**

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on March 7, 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 7:12 pm.

Commissioners present were Donald Henke, Nick Rubits, Kelly Patterson-Herndon, Dennis Ogan, and Paul Wenzel. Commissioner Latoya Grady and Commissioner Brent Thomas were absent. Staff present was Ross Altobelli, Lauren Mecke, and Salena Tittle.

2. Invocation and Pledge of Allegiance

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

Before the Citizen Comment portion of the meeting was opened, Chairman Henke advised the room that the applicant for Agenda Item 12 had requested to table the item until the April Planning & Zoning Commission Meeting. Chairman Henke advised that the Commission will not be discussing the item until that time. Chairman Henke advised the audience that if they were in attendance this evening for this specific item and are unable to make the April P&Z meeting, they were welcome to speak when the item is opened to voice their concerns. He also advised the audience that if they can, in fact, attend in April it would be beneficial if they waited until then to voice their concerns.

Mr. Altobelli advised the Commission that when Agenda Item 12 is brought up this evening, he will provide some additional information as it relates to the tabling request made by the applicant as well as additional information for potential outreach meeting that the applicant is proposing for the neighbors.

An unknown neighbor spoke out and asked if they could receive the clarification because there were a lot of folks in attendance and a lot of misinformation that has been spread regarding the zoning case.

Mr. Altobelli advised that he would prefer to wait until the public hearing is opened because it is, in fact, a public hearing and it would be better to do so.

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

Consent Items

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Ogan to recommend approval of consent items 5-10. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the February 7, 2022 Planning & Zoning Commission Meeting.

6. Consider/Discuss/Action on a recommendation regarding the Dunkin Estates, Block A, Lot 1, Development Plat. Applicant: Kirby Dunkin.
7. Consider/Discuss/Action on a recommendation regarding the Anna Ranch, Phase 1B, Final Plat. Applicant: Gehan Homes, Ltd.
8. Consider/Discuss/Action on a recommendation regarding the Anna Town Center Addition, Block A, Lots 10R & 11R, Replat. Applicant: Seminole Anna Town Center LP.
9. Consider/Discuss/Action on a recommendation regarding the Anna Town Center Addition, Block A, Lot 11R, Site Plan. Applicant: Seminole Anna Town Center LP.
10. Consider/Discuss/Action on a recommendation regarding the East Foster Crossing, Block A, Lot 1, Site Plan. Applicant: East Foster, LLC.

Items for Individual Consideration

11. Consider/Discuss/Action on a recommendation regarding the Nelson Ranch, Block A, Lots 1-6 & Block B, Lot 1, Final Plat. Applicant: Steven Nelson.

Ms. Tittle gave a brief presentation.

Chairman Henke asked staff if the only reason why the item was before them, seeing how it is located in the ETJ, was due to the fact that they have to adhere to the Subdivision Regulations.

Ms. Tittle advised yes.

Chairman Henke asked staff if the Fire Department was ok with the current width of the existing access drive.

Ms. Tittle advised that the Fire Department was amenable to the variance requests.

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Rubits to recommend approval of the Final Plat. The vote was unanimous.

12. Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to amend the zoning of 11.0± acres located at the southeast corner of Finley Boulevard and Sharp Street from Planned Development-C-2 General Commercial to Planned Development-C-2 General Commercial/MF-2 Multiple-Family Residential – High Density (PD-C-2/MF-2) (Ord. No. 129-2004 & Ord. No. 691-2015). Applicant: Anna Town Square Partners I, LLC

Mr. Altobelli gave a brief presentation and some background regarding the subject property. He also advised the Commission that staff had received a request by the applicant to table the item to the April 4th P&Z Commission Meeting. Mr. Altobelli also advised that the applicant will be holding a public meeting with the neighbors regarding their concerns. He also advised that the applicant was not requesting increased density nor was the applicant requesting a new use. The use is already allowed. The applicant's request is to modify some of the development standards. Mr. Altobelli also advised that staff would be sending out new notices as well as a fact sheet for social media to help clear up some of the questions.

The Public Hearing was opened at 7:31 p.m.

Mr. Arthur Robertson, residing at 1215 Tiana Street, filled out a speaker card in opposition to the request. Mr. Robertson advised that he was available to speak in April and will wait until then to do so.

Ms. Karla Beaty, residing at 2213 Nuehoff Drive, filled out a speaker card but did not indicate on the card whether she was for or against. She advised that she needed clarification on the request because the agenda states that it

was zoned C-2 General Commercial and the request is to change the zoning to C-2 General Commercial and MF-2 Multifamily. Ms. Beaty also advised that when she looked at the zoning map online, it indicated PD-C not residential.

Ms. Mecke advised that previous staff did not always label the multifamily areas as such. A lot of times they labeled it PD-C even if multifamily was allowed.

Ms. Beaty advised that the answer Ms. Mecke provided was even more confusing. She advised that she and other homeowners looked at the map and did their homework before purchasing their home, but that they should just accept the answer that previous staff didn't label it correctly?

Chairman Henke asked if he could clarify for Ms. Beaty that in order to know exactly what is allowed on the property, you would need to read the actual Planned Development that is hyperlinked to the information box on the map.

Ms. Beaty then asked why the agenda and notices read that the zoning was being changed from PD-C (Commercial) to PD-C and Multifamily.

Mr. Altobelli advised that there are many different uses allowed within the Planned Development and it would be quite lengthy if staff listed every use in the zoning. Mr. Altobelli also advised that the zoning map has the link that offers anyone the chance to read the Ordinance that is specifically associated with the Planned Development. Mr. Altobelli also advised that staff understands the confusion and will be sending out new notices along with additional information as it pertains to the zoning request.

Three unknown residents from the audience spoke out.

Chairman Henke advised the room that the only way to see what exactly the property is zoned for is to read the Planned Development that is associated with that particular property. He also advised staff that they should only label the map to say PD instead of anything else.

Ms. Tammy Snowder, residing at 2217 Nuehoff Drive, was next on the speaker card list but advised that she wishes to speak at the April meeting.

Ms. Elizabeth Hickey, residing at 623 Haven Drive, was next on the speaker card list but advised that she wishes to speak at the April meeting.

Mr. Wayne Marchand, residing at 639 Brook Drive, spoke in opposition of the zoning change and advised he was concerned about the possibility of Section 8 housing, HOA fees charged to him but not the apartments, the project would be an eyesore, too much lighting, and more traffic congestion.

Ms. Andrea Roberts, residing at 1220 Tiana Street, spoke in opposition of the rezoning change and advised she moved out of Plano because having the apartments next to bars and restaurants was for a younger crowd. Anna is about family life and that is why she moved here. She advised that she thinks everyone in the community should be notified about the rezoning changes that occur, not just residents within 200 feet.

Mr. James Chumley, residing at 612 Stars Drive, spoke in opposition of the rezoning change and advised that Sharp Street isn't big enough to hold more traffic. He also advised that when he moved into the Anna Town Square community he was shown and envisioned more quiet, fun, family stuff. Restaurants, splash pads for the kids, play areas. Never did he imagine more multifamily in the area.

Ms. Amanda Joseph, residing at 2403 Thayne Drive, was next on the speaker card list but advised that she wishes to speak at the April meeting.

Mr. Everett Parker, residing at 804 Westgate Court, spoke in opposition of the rezoning change and advised that he is concerned about the reduction of parking and people parking on the public roadways.

Ms. Ashley Bergerson, residing at 505 Maverick Street, spoke in opposition and advised she feels the developer is going to do whatever they want and not meet with neighbors. Ms. Bergerson suggested that the Commission delay any approval of the multifamily development until there is a solution to the traffic and roadways in the area.

Chairman Henke asked staff if TXDOT is the entity responsible for Highway 5 and if staff had met and discussed the traffic issue with them.

Mr. Altobelli advised that staff recently did some analysis on the traffic in the area and during the analysis it was noticed that the area met the requirements for a light. However, because of the rail crossing at the intersection the timing has to be in accordance with the any improvements that are associated within. Mr. Altobelli also advised that the Director of Public Works would be at the next meeting to discuss the findings of those improvements.

Ms. Amber Johnson, residing at 612 Haven Drive, spoke in opposition and advised that she was concerned about the reduced parking. She advised that most who can afford to live in Anna, drive out of the city to go to work. The City of Anna does not have public transportation and most homes have more than one vehicle. Ms. Johnson also explained that she does not want residents from the multifamily having no place to park and resulting into parking in the neighborhood.

Mr. Paul Wesebaum, residing at 1125 Tiana Street, spoke in opposition and recommended that staff do a traffic impact analysis study. He advised he is very concerned about the traffic and does not like the idea of cars parked along the right-of-way.

Mr. Nick Castillo, residing at 1205 Sharp Street, spoke in opposition to the rezoning proposal and advised that he also is concerned about traffic and that Sharp and Finley is a very congested corner. Mr. Castillo also advised that a new school is being built up the street which will only add to the traffic problem.

Mr. Scott Intrieri, residing at 611 Haven Drive, spoke in opposition to the rezoning request and advised that traffic is a major concern and that the developer is just going to do what he wants.

Ms. Amber Lyda, residing at 1245 Tiana Street, spoke in opposition to the rezoning request and advised that she spoke with every developer in her development and verified that no multifamily was going to be built around the subdivision. Ms. Lyda advised that is the reason why she purchased her home where she did and this was supposed to be her forever home. She also advised that when the high density residential comes in, it will tank the homes appraisal values. Ms. Lyda also advise that there have been eight accidents in the area due to the traffic problems. She would like to see the city put a pause on things until more homework is done before they approve.

Chairman Henke advised that the recommendation is to hold the Public Hearing open until the April 4, 2022 Planning & Zoning Commission Meeting when the Agenda Item will be heard.

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Rubits to recommend the item be tabled and the Public Hearing held open until the April 4, 2022 Planning & Zoning Commission Meeting. The vote was unanimous.

After the motion and recommendation was made, Mr. Glenn Brown, residing at 1209 Tiana Street, came up to the podium and explained that the developer had advised him and others that the area would be retail and commercial. Not multifamily.

13. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to rezone 2.0± acres located at the southeast corner of W. White Street and Standridge Boulevard (CR 286) from C-2 General Commercial (C-2) to I-1 Light Industrial (I-1) to allow the use of Automotive repair, major. Applicant: SAHI – ANTOINE, LLC.

Ms. Tittle gave a brief presentation.

The Public Hearing was opened at 8:12 p.m.

The Public Hearing was closed at 8:13 p.m.

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Ogan to recommend approval of the zoning request. The vote was unanimous.

- B) Consider/Discuss/Action on a recommendation regarding the Affi Addition, Block A, Lot 2R, Concept Plan.

Ms. Tittle gave a brief presentation.

Chairman Henke asked about the screening.

Ms. Tittle Advised.

Chairman Henke asked about the right-of-way width.

Ms. Tittle advised.

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Rubits to recommend approval of the Concept Plan. The vote was unanimous.

14. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to establish zoning for 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287. Currently zoned: Extraterritorial Jurisdiction (ETJ). Applicant: Yn, LLC.

Ms. Mecke gave a brief presentation.

Mr. Dylan Blackshear, Cole and Associates, gave a brief presentation on behalf of the developer.

The Public Hearing was opened at 8:26 p.m.

An unknown neighbor spoke from the audience asking for the developer's information.

Mr. Altobelli advised the Chair that all questions and concerns should come through the Commission and that if anyone from the audience wishes to speak, that they fill out the speaker card and turn it in in order to do so.

Mr. Terrell Culbertson, residing at 10429 County Road 289, spoke in opposition to the request and advised that he understands that the development is coming, but he questions putting this type of development on that particular road. The traffic and speeding is a very big problem. Mr. Culbertson also asked if a study had been done on the property tax if this development were to come in.

Mr. Altobelli advised that there had not been a study done as it relates to this development plan.

Mr. Culbertson asked if the property was located within the flood plain.

Ms. Mecke answered yes.

Mr. Culbertson asked if there were plans for any of the flood plain to be preserved or part of a trail system.

Mr. Altobelli advised that the applicant has a proposed pond in the flood plain area. Mr. Altobelli also advised that the applicant is asking to annex into the city and if approved, they would have to comply and meet all of the regulations associated with that.

Mr. Culbertson asked if there was going to be any drainage issues for the neighboring properties.

Mr. Altobelli advised that any development would not be allowed to increase the flow of what is already existing. If the applicant increases that flow, they would be required detain that flow onsite.

Mr. Culbertson advised that he still has issues with the safety and traffic issues along the right-of-way.

Ms. Mecke explained to the Commission that the applicant is required, during platting, to dedicate an extra 20 feet for future right-of-way when the road expands.

Mr. Mike Hendricks, residing at 311 Wilcoxson, Farmersville, spoke in opposition to the variance requests that the applicant has made along with the development in general. He advised that he does not want the development so

close to his property. Mr. Hendricks also advised that he does not understand why the applicant is asking for the variance requests and does not think the Commission should give them the variances. That there is no reason for them. He also does not think the City of Anna needs any more multifamily products.

Ms. Mecke advised that if the development is approved, the applicant would be required to have masonry around the trash compactor. Also, that the applicant is requesting the same setbacks that are designated for the SF-60 Single-Family zoning.

Ms. Atilla Tamesvary, residing at 9830 County Road 288, spoke in opposition and advised that she was concerned about the density moving into the area. She was under the impression that the area was zoned for 1 acre lots. Ms. Tamesvary also advised that she has a lot of concerns about the traffic along the right-of-way and accidents that have already occurred. She asked if an environmental study has been done because she has concerns about the wildlife in the area.

Chairman Henke advised that he had a letter in opposition to the request from a Shawn Smith. After noticing that Mr. Shawn Smith was not in attendance, Chairman Henke read that Mr. Smith was opposed due to the deadly traffic that already exists. He also read that Mr. Smith advised that there is currently no city services in the area and he would prefer the area remain ranching and agricultural.

Mr. Travis Edon, residing at 10030 County Road 288, spoke in opposition and advised he is concerned about the traffic, endangered wildlife, and concerns about the storms that come through and drainage it may cause. He also advised he was under the impression that the area would have at least one acre lots.

Mr. James Chumley, residing at 612 Stars Drive, asked if the fire lanes, shown on the plan, were wide enough for our fire trucks.

Chairman Henke advised yes.

Mr. Chumley asked what the side yard and rear yard setbacks were going to be.

Mr. Altobelli advised that the buildings themselves have to maintain a 10-foot separation between buildings. He also advised that the applicant is requesting to have a smaller courtyard. He also advised the applicant is requesting a 20-foot setback. Mr. Altobelli also advised that the applicant come to the podium to address any of the development questions that Mr. Chumley has.

Mr. Blackshear came to the podium and answered Mr. Chumley's questions regarding setbacks.

Mr. Chumley then asked about the amenities and where they would be located onsite.

Mr. Blackshear advised.

Mr. Chumley then asked for clarification for the definition of multifamily.

Mr. Altobelli read the definition as it is written in our ordinance.

Mr. Chumley asked if the developer would have a leasing office.

Chairman Henke advised Mr. Chumley that all of his questions would be best suited for the site plan and development plan stages of the development and reminded him that this was for zoning.

Mr. Chumley then advised that he opposes the applicant's zoning request.

Mr. Everett Parker, residing at 804 Westgate Court, spoke in opposition and asked for clarification that the city utility line extensions would be paid for by the developer and not the residents.

Chairman Henke advised the extension of the lines would be paid for by the developer.

Mr. Parker then expressed how we should bring in all of these developments and let them all start building and do what they want.

Chairman Henke then advised Mr. Parker that there was no need to be sarcastic.

Mr. Parker advised that he is concerned about all of the growth and he would prefer that the city slow down and think about things before approving them.

Ms. Elizabeth Betty Sharp, residing at 10282 County Road 288, spoke in opposition to the applicants request advising that she has concerns about the growth and how there should be more parks and wildlife and environmental areas for the residents to enjoy. She also advised that there is a problem with traffic and it will cause deaths if this development is approved. Ms. Sharp also expressed that the City of Anna does not have enough parks and nature areas for everyone to come to and enjoy. She recommended a nature educational center and gave the example of the nature preserve in Plano.

Ms. Mecke advised that she received Ms. Sharp's email but it accidentally got placed in with another zoning case. Ms. Mecke apologized for that and ensured it would be corrected. She also read the last paragraph of the sent in letter to ensure it was recognized and on the record.

Mr. Blackshear spoke to address some of the neighbor's concerns.

Mr. Norris Mantooth, residing at 1209 Carinna Drive, spoke against multifamily as a whole. He also advised that he would like the Commission to really think about the fact that the city is being overrun by multifamily developments and Anna does not need another one.

The Public Hearing was closed at 9:33 p.m.

Commissioner Wenzel advised that he voted to approve the item when it came before them the first time. But after hearing the residents concerns, he would prefer that it remain ranching and agricultural and will be voting to deny to zoning case.

Chairman Henke advised that he voted against it last time, but after taking a closer look at the Future Land Use Plan he feels this is a use that fits that plan.

Commissioner Rubits explained that, although it fits with the Future Land Use Plan, he has concerns about the use. He then asked staff if the applicant will proceed forward if they are denied considering they are located in the ETJ.

Mr. Altobelli advised that with the property being located in the ETJ, the applicant has every right to develop without Planning and Zoning approval.

Ms. Mecke advised the Commission that State Law indicates that the Commission needs to make a recommendation on zoning, but that the annexation will be going before Council at the same time as the zoning portion.

A motion was made by Commissioner Wenzel, seconded by Commissioner Patterson-Herndon to recommend denial of the zoning request. The vote was 3-2 with Chairman Henke and Commissioner Rubits voting to approve the zoning request.

B) Consider/Discuss/Action on a recommendation regarding the Anna West, Block A, Lot 1, Concept Plan.

Ms. Mecke advised that this would be a no action item since the zoning case was denied.

Chairman Henke advised, on the record, that this item will be a no action item.

15. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to establish zoning and rezone 391± acres located on the west side of U. S. Highway 75, 2,645± feet south of W. White Street (FM 455) in accordance with Resolution No. 2021-12-1077 for 969 single-family dwellings, detached lots and 5 commercial lots. Zoned: Extraterritorial Jurisdiction (ETJ) and SF-E Single-Family Residential. Applicant: Bloomfield Homes, LP.

Ms. Mecke gave a brief presentation.

Chairman Henke asked staff if there is any kind of percentage in our ordinance that should be met for a different mixture/ratio for the types of homes in a development.

Ms. Mecke advised no but that the Commission could direct staff to have that as an item in the future.

Mr. Jim Douglas, applicant with Bloomfield Homes, provided a brief presentation.

The Public Hearing was opened at 9:51 p.m.

Mr. James Chumley, residing at 612 Stars Drive, addressed the Commission by advising that the residents of Anna are not opposed to multifamily but that they just want to see multifamily in areas which are a better fit.

The Public Hearing was closed at 9:52 p.m.

A motion was made by Commissioner Rubits, seconded by Commissioner Patterson-Herndon to recommend approval of the zoning request. The vote was unanimous.

B) Consider/Discuss/Action on a recommendation regarding the Crystal Park, Concept Plan.

Ms. Mecke gave a brief presentation.

A motion was made by Commissioner Rubits, seconded by Commissioner Patterson-Herndon to recommend approval of the Concept Plan. The vote was unanimous.

16. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to rezone 15.4± acres located on the east and west sides of Throckmorton Boulevard, 370± feet south of W White Street (FM 455) from C-2 General Commercial to Planned Development-MF-2 Multiple-Family Residential – High Density. Applicant: Anna 31 Retail, LP.

Ms. Mecke gave a brief presentation.

The Public Hearing was opened at 9:59 p.m.

Mr. Tyler Adams, the applicant's representative from Greenlight, gave a brief presentation and answered any questions that the Commission had.

Mr. Paul Wesebaum, residing at 1125 Tiana Street, came to the podium to ask a question directed at the developer.

Mr. Adams answered the question.

The Public Hearing was closed at 10:07 p.m.

Commissioner Patterson-Herndon asked for more clarification pertaining to the retention pond and open space.

Ms. Mecke answered.

Mr. Altobelli advised the Commission of the intent of the developer as it relates to the entire development as a whole, the hike and bike trail, the open space, and the proposal to activate the area.

Commissioner Rubits expressed concerns regarding promises made by developers for open space and trails, but they never come.

Ms. Mecke advised that they could add a stipulation for it as part of their recommendation if the Commission chooses.

Commissioner Rubits expressed that he still had concerns about the developer using a retention pond as part of their required open space.

A motion was made by Chairman Henke, seconded by Commissioner Patterson-Herndon to recommend approval of the zoning request. The vote was unanimous.

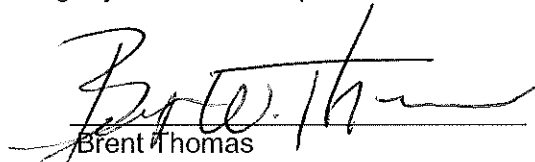
B) Consider/Discuss/Action on a recommendation regarding the Anna Retail Addition, Block A, Lots 3R, 6, 7, 8, 9 and Block B, Lot 1, Concept Plan.

Ms. Mecke gave a brief presentation.

A motion was made by Commissioner Wenzel, seconded by Commissioner Patterson-Herndon to recommend approval of the Concept Plan. The vote was unanimous.

Adjourn

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Wenzel to adjourn the meeting. The vote was unanimous. The meeting adjourned at 10:26 p.m.


Brent Thomas
Planning and Zoning Commission Vice Chairman

ATTEST: