# MINUTES
# PLANNING AND ZONING COMMISSION
# September 6, 2022

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

   Commissioners present were Kelly Patterson-Herndon, David Nylec, Douglas Hermann, Michelle Clemens, and Staci Martin. Commissioners absent were Dennis Ogan and Paul Wenzel. Staff present was Ross Altobelli, Lauren Mecke, and Salena Tittle.

2. Invocation and Pledge of Allegiance

   Commissioner Hermann gave the invocation and Commissioner Nylec 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

Consent Items

Commissioner Clemens advised that she would like to pull Consent Agenda Item 13 from the Consent Agenda for discussion.

Chairwoman Patterson-Herndon advised that she would like to pull Consent Agenda Item 15 from the Consent Agenda for discussion.

A motion was made by Commissioner Hermann, seconded by Commissioner Clemens to recommend approval of consent items 5-12, 14, and 16-17. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the July 5, 2022 and the August 1, 2022 Planning & Zoning Commission Meeting.

6. Consider/Discuss/Action on The H.M. Estates, Block A, Lot 1, Development Plat. Applicant: Hallee Murphy.

7. Consider/Discuss/Action on The Melgar Estates, Block A, Lot 1, Development Plat. Applicant: Jose Melgar.

8. Consider/Discuss/Action on the J & T Moore Addition, Block A, Lots 1 & 2, Final Plat. Applicant: Jason Moore.

9. Consider/Discuss/Action on the Anna 455 Addition, Block A, Lots 5 & 6, Final Plat. Applicant: Brakes Plus, LLC.

10. Consider/Discuss/Action on the Anna 455 Addition, Block A, Lot 6, Site Plan. Applicant: Brakes Plus, 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 Arden Park, Phase 1, Site Plan. Applicant: Arden Park Owner TX LLC, a Delaware limited liability company.

13. Consider/Discuss/Action on the Anna Crossing, Phase 10, Preliminary Plat. Applicant: Anna Town Center No. 7 / LNRD LLC.

14. Consider/Discuss/Action on the Strickland Brothers Center Addition, Block A, Lots 1-3, Preliminary Plat. Applicant: Rufus Duncan / Yellow W Land Co.

15. Consider/Discuss/Action on the Anacapri Laguna, Block A, Lots 1 & 3, Site Plan. Applicant: Anacapri Laguna Azure, LLC.

16. Consider/Discuss/Action on the Anna Ranch, Phase 1B, Block P, Lot 1X, Site Plan. Applicant: Gehan Homes LTD.

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

Items for Individual Consideration

Discussion on Consent Agenda Item 13:

Mr. Altobelli introduced the item. The applicant is requesting approval of a Preliminary Plat. The Preliminary Plat is recommended for approval.

Commissioner Clemens asked if the applicant was proposing any amenities, pocket parks, or play areas for the residential community.

Mr. Altobelli pointed out on the plan, where there will be a potential trail and the drainage and detention easement that is an open area for the potential of being a playground. Mr. Altobelli advised that those two specific sites were the only called out on this specific plat.

Commissioner Clemens asked if the developer was Pulte Homes.

Mr. Altobelli advised yes.

Commissioner Clemens advised that it did not look like there were going to be any playgrounds or pocket parks in Phase 8 or Phase 9 that are in the process of completion. Commissioner Clemens asked staff if there were going to be any playgrounds or amenities for all of the residents in that community.

Mr. Altobelli said he would defer to the applicant for that information.

A representative with Pulte Homes, Kendall Emerett, advised the Commission that Phase 9 will have roughly 2.5 acres of land that will have, roughly, a 2,000 square foot amenity center with a little bit of common area as well.

Commissioner Clemens asked if the amenity center will be an indoor facility.

Mr. Emerett advised that it will be a fully enclosed air-conditioned amenity center with a porch overhang and will serve the residents of Phase 8, 9, and 10.

Commissioner Clemens asked if it met the 1 acre per 50 lots open space requirement.

Mr. Altobelli advised that this development and its phasing was approved back in 2016 at which time the parkland dedication would serve all of the proposed phases.

Commissioner Clemens asked if Leonard Avenue would be complete before these new phases were done.

Mr. Altobelli advised that Phase 8 is required to construct their portion of Leonard Avenue prior to homes going vertical.

Commissioner Clemens asked if that pertained to Phase 9 & Phase 10 as well.

Mr. Altobelli advised that the entire western portion of Leonard Avenue would be built with Phase 10.

Commissioner Martin asked if they were all sharing the amenity area and open space.

Mr. Altobelli answered yes.

A motion was made by Commissioner Clemens, seconded by Chairwoman Patterson-Herndon to approve the Preliminary Plat. The vote was unanimous.

Discussion on Consent Item 15:

Mr. Altobelli introduced the item. The applicant is requesting approval of a Site Plan. The Site Plan is recommended for approval.

Chairwoman Patterson-Herndon explained that she understands this project will have an HOA but asked if it was supposed to be open to the public as well.

Mr. Altobelli confirmed that there will, in fact, be an HOA, but as part of the zoning, it will be open to the public.

Chairwoman Patterson-Herndon asked if there was going to be a provision for which side will be HOA and which side will be public or if it will be a free for all.

Mr. Altobelli advised that he cannot comment on that, but that there will be amenities available for the residents within the subdivision.

Chairwoman Patterson-Herndon asked if there was any kind of projected estimate of possible revenue that will be brought into the city.

Mr. Altobelli explained that was not something planning had or could answer.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Martin to approve the Site Plan. The vote was unanimous.

18. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 98.0± acres located on the south side of E. White Street, 500± feet east of S. Interurban Street from AG Agricultural District, SF-E Single-Family Residential and Planned Development (Ord. No. 145-2004) to Planned Development. Applicant: Rising Wakulla Investments, L.P.

Mr. Altobelli introduced the item. The applicant is proposing to rezone from AG, SF-E, and Planned Development to Planned Development to allow for a residential and commercial development with modified development standards. The zoning request is recommended for approval.

Commissioner Clemens asked who was going to be responsible for the pond.

Mr. Altobelli advised that the detention pond would be privately owned and maintained by the Homeowners Association.

Commissioner Clemens asked if it was going to be an empty pond that remains dry and catches water.

Mr. Altobelli said he would allow the applicant to answer that question when they make their presentation.

Commissioner Nylec asked about the screening.

Mr. Altobelli went into the detail of what is required and what the applicant is proposing.

Commissioner Clemens asked if the wrought iron fencing being proposed by the applicant was still going to expose homeowners back yards.

Mr. Altobelli explained that there would be a 3-foot berm that would help the residents with privacy as well as landscaping.

Commissioner Clemens asked who would be responsible for the fencing.

Mr. Altobelli explained that it would be the HOA's responsibility with uniform fencing requirements.

The Public Hearing was opened at 7:27 p.m.

Mr. John Vick, the applicant, gave a brief presentation regarding the proposed development.

Chairwoman Patterson-Herndon asked if the garages shown in the presentation were detached garages.

Mr. Vick answered yes.

Chairwoman Patterson-Herndon asked if they would have any cover from the garage to the house.

Mr. Vick explained that some will have walkways, and some will have covered walkways but not all of them.

Commissioner Clemens advised the applicant that she would hate for them to try to re-create Anna Town Square because it would look like Anna Town Square. She proceeded to explain that residents in Anna Town Square were placing mesh along their wrought iron fences because the berm wasn't high enough and they did not want passerby's looking into the backyards. Wrought iron is not something residents want, and they complain about.

Commissioner Nylec advised that he also lives in Anna Town Square, and he agrees with Commissioner Clemens.

Commissioner Clemens explained that it would be nice if they spent a little bit more money into something that would look nicer and last longer.

Mr. Vick advised that he understood what the Commission was asking for but that they were trying to meet the city's requirements and what the city would like. He continued to explain that a masonry wall would be prohibitively expensive but that they are open to suggestions that the Commission would like to see.

Chairwoman Patterson-Herndon asked the applicant if they would do a prefabricated wall that looked like stone.

Mr. Vick advised that would be expensive and they would not like that at all.

Mr. Altobelli made a correction to the stipulation written into the ordinance that requires a 6-foot wood fence, stained and sealed of uniform design and height shall be constructed along the side and rear lot lines for homes adjacent to the 10-foot landscape buffer and 40-foot landscape buffer.

A few Commissioners agreed that would be better and they feel more comfortable with that than a wrought iron fence.

Commissioner Clemens explained that Anna Town Square does not have trails. Sidewalks are just that, they are not trails. Trails would be nice along the green spaces within the proposed development.

Mr. Vick said he believes they will have a combination of both, sidewalks and trails and will place them in the areas best suited for such.

Mr. Altobelli clarified that in the Parks Master Plan, there is a trail shown that would connect the in the center and comes down and that there should be a 10-foot-wide concrete trails that connects in the area. He also advised that there are easements, at the preliminary plat stage, associated with putting the trail in first and it would be reimbursable to the applicant.

Commissioner Clemens asked if they were going to meet the landscaping that is associated with Anna Town Square.

Mr. Vick advised that they did include landscaping requirements, but they did not match that of Anna Town Square.

Commissioner Hermann asked if the flex open space will remain untouched until something comes in.

Mr. Vick explained that they will probably grass it so it is usable until something comes in and leave the ability to relate to the commercial space when it comes in.

Commissioner Clemens asked if the townhomes were going to be masonry product.

Mr. Vick advised yes.

Commissioner Hermann asked if staff needed to place some sort of zoning on the open space.

Mr. Altobelli explained that it would be in the best interest of the city to state in the PD an additional stipulation that it is a minimum 5 acres of flex open space per the Concept Plan and that it needs to have some sort of zoning to ensure that anything can come into that area, but that the Commission can state that it comes back to them for approval when something is ready to come in.

The Public Hearing was closed at 7:45 p.m.

Chairwoman Patterson-Herndon asked staff if the Commission has the ability to propose the wood fence along Leonard Avenue to maintain residents' privacy.

Mr. Altobelli explained the Planned Development stipulations that are listed and advised yes.

Chairwoman Patterson-Herndon asked what staff's professional opinion is of the zoning request and development being proposed.

Mr. Altobelli advised the Commission that the requests meet that of the 2050 Comprehensive Plan and explained the items that staff looks at when reviewing requests and how it relates to the 2050 Comprehensive Plan.

A motion was made by Commissioner Nylec, seconded by Commissioner Hermann to recommend approval of the zoning request. The vote was unanimous.

19. Consider/Discuss/Action on the Leonard Trails, Concept Plan. Applicant: Rising Wakulla Investments, L.P.

Mr. Altobelli introduced the item. The applicant is requesting approval of a Concept Plan associated with the zoning case, Agenda Item 18.

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

20. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend zoning on 28.0± acres located at the southwest corner of W. White Street and Slater Creek Road. The property is currently zoned Planned Development (Ord. No. 961-2022). Applicant: Arden Park Owner TX LLC, a Delaware limited liability company.

Ms. Tittle introduced the item. The applicant is requesting to amend development standards listed in the Planned Development. The request is recommended for approval.

Chairwoman Patterson-Herndon asked if the current ordinance states that the side yard setback should be 15 feet.

Ms. Tittle replied yes.

Commissioner Clemens asked if there was a reason for the 10-foot setback request.

Mr. Altobelli explained that he was the planner that reviewed the original zoning request and the Concept Plan during that time already proposed the request and had the exhibit identifying their request, but it was missed when listed stipulations were placed in the Planned Development. The intent was already there, it was just an oversight by staff and the applicant that it was not included.

Chairwoman Patterson-Herndon asked what happens if they hold them to the standard as it is today with a 15-foot side yard setback.

Mr. Altobelli explained that the applicant would lose 12 lots but the Concept Plan that was already approved, allowed for a 10-foot side yard setback.

Commissioner Martin asked if the applicant provided a reason why they could not meet the 15-foot setback.

Mr. Altobelli explained to the Commission that they had, it just did not make it in the written stipulations.

Commissioner Clemens explained that she is fine as long as this is a one-time thing, and it was just a mistake versus someone coming in and just continuing to ask for variances.

Chairwoman Patterson-Herndon advised that she went back to the approval and confirmed that it was there the whole time, and it was just mistakenly left out of the written stipulations.

The Public Hearing was opened at 8:04 p.m.

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

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

21. Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding The Parks at Hurricane Creek, Zoning and Concept Plan.

Ms. Mecke advised the Commission that the applicant wishes to table the item to the next Planning & Zoning Commission meeting.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Clemens to continue and hold open the public hearing item until the October 3, 2022 Planning & Zoning Commissioner Meeting which will be held at the Municipal Complex located at 120 W. 7th Street at 7:00 p.m.. The vote was unanimous.

Chairwoman Patterson-Herndon advised that while looking back through records and past items, she noticed that staff recommendations changed back in March/April. She mentioned that in her P&Z training in Arlington, the attorney's teaching the class touched on staff recommendations and that staff recommendations help the Commission make better decisions on what is approved. She advised that current staff recommendations have become very generic, and she would like the Commission to receive more information from staff.

Mr. Altobelli advised that it is the role of staff to be transparent and explain whether items are in conformance with the Comprehensive Plan and in conformance with the rules and regulations set forth in our Subdivision Regulations and Zoning Ordinances. He also advised that staff will provide the background information but staff is not the appointed or elected board who would make the decisions. Given the information staff provides, it is up to the Boards and Commissions as well as Council to make those decisions in what is best suited for their community.

Commissioner Clemens explained the importance of the 2050 Comprehensive Plan and what is laid out inside of it is what the citizens wanted.

Mr. Altobelli explained to the Commission that is why staff includes that in their staff reports because staff understands the importance of it.

Adjourn

A motion was made by Commissioner Nylec, seconded by Chairwoman Patterson-Herndon to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:18 p.m.

Chairwoman Kelly Patterson-Herndon

ATTEST:

Salena Tittle

Salena Tittle, Planner II