MINUTES
PLANNING AND ZONING COMMISSION
October 3, 2022

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on October 3, 2022, at the Municipal Complex located at 120 W. 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, Dennis Ogan, Paul Wenzel, David Nylec, Douglas Hermann, Michelle Clemens, and Staci Martin. Staff present was Ross Altobelli, Lauren Mecke, and Salena Tittle. Councilman Toten, Councilman Cain, and Councilman Atchley were 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

2023 Planning & Zoning Submittal Calendar

5. Review/Discuss/Action on the 2023 Planning & Zoning Submittal Calendar.

   Ms. Mecke discussed the proposed 2023 meeting dates with the Commission and explained that the months of July and September were up for discussion due to Holiday conflicts.

   The Commission agreed the meeting dates proposed for 2023 were good with them. Furthermore, they decided that the July 2023 meeting will be held on Thursday, July 6 and the September 2023 meeting will be held on Wednesday, September 6.

Consent Items

Chairwoman Patterson-Herndon advised that she would like to pull Consent Agenda Item 13 from the Consent Agenda for discussion.

A motion was made by Commissioner Nylec, seconded by Commissioner Ogan to recommend approval of consent items 6-12 and 14-17. The vote was unanimous.

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

7. Consider/Discuss/Action on the Anna Christian Friendship, Block A, Lot 1, Development Plat. Applicant: Anna Christian Fellowship.

8. Consider/Discuss/Action on the CR505 Addition, Block A, Lot 1, Development Plat. Applicant: Tom Hayes.

9. Consider/Discuss/Action on the Arden Park, Phase 1, Final Plat. Applicant: Arden Park Owner TX LLC, a Delaware limited liability company.

10. Consider/Discuss/Action on the Arden Park, Phase 1, Site Plan. Applicant: Arden Park Owner TX LLC, a Delaware limited liability company.

11. Consider/Discuss/Action on The Woods at Lindsey Place, Phase 1, Final Plat. Applicant: D.R. Horton.

12. Consider/Discuss/Action on The Woods at Lindsey Place, Block L, Lot 9X, Site Plan. Applicant: D.R. Horton.

13. Consider/Discuss/Action on the Avery Pointe Commercial, Block A, Lots 1-5, Replat. Applicant: Davis Group, Aston Gray, LLC & Retail Buildings, Inc.

14. Consider/Discuss/Action on the East Fork Estates, Lot 23, Replat. Applicant: Robert & Melna Rainey.

15. Consider/Discuss/Action on the Blacklock Storage, Block A, Lot 1, Preliminary Plat. Applicant: 926 Powell Anna TX, LLC.

16. Consider/Discuss/Action on the Dreamville Anna, Block A, Lot 1, Preliminary Plat. Applicant: Alvin Johnson / HHF Dreamville Anna, LLC.

17. Consider/Discuss/Action on the Dreamville Anna, Block A, Lot 1, Site Plan. Applicant: Alvin Johnson / HHF Dreamville Anna, LLC.

Items for Individual Consideration

Discussion on Consent Agenda Item 13:

Ms. Mecke introduced the item. The applicant is requesting approval of a Replat. The Replat is recommended for approval.

Chairwoman Patterson-Herndon asked why the original plat had not been filed.

Ms. Mecke explained that the city does not typically allow applicants and owners to file a plat until all of the infrastructure is complete and that staff was unaware that the owner would be selling off the lots the way that they have.

Chairwoman Patterson-Herndon asked if the applicant was allowed to do what they did by selling off the lots without being platted.

Ms. Mecke explained that staff has asked the applicant to move forward with this plat, do the public improvements, and file the plat. Staff has also advised the applicant that they would need to apply for another Replat at a later time should any changes be made during the public improvements portion of building.

A motion was made by Commissioner Hermann, seconded by Commissioner Wenzel to approve the Replat. The vote was unanimous.

18. Consider/Discuss/Action on the Ferguson-White Addition, Block A, Lot 1, Revised Site Plan. Applicant: Lamar National Bank.

Ms. Mecke introduced the item. The applicant is requesting approval of a Revised Site Plan in order to modify the screening for the western property boundary line adjacent to the single-family subdivision. The Revised Site Plan is recommended for approval.

Commissioner Ogan asked if City Council had been made aware of the preferred screening request.

Ms. Mecke explained that she was unaware if City Council had knowledge of the request but that the ordinance states that it is the Planning & Zoning Commission that determines whether the request is approved or denied.

Chairwoman Patterson-Herndon asked if there was a reason why the applicant would like to change from the masonry wall.

The applicant, Clark Miller, came to the podium and explained that masonry materials are currently very hard to obtain, masonry is too expensive, and the newly proposed will help them get it done faster. Mr. Miller also advised that the newly proposed will look nicer for the property.

Commissioner Clemens asked who is responsible for the area between the commercial portion and the residential portion.

Mr. Altobelli explained that the fence will have a 5-foot setback to allow Lamar National Bank access to maintain it.

Commissioner Martin asked the applicant why they chose cedar trees as opposed to a different larger tree.

Mr. Miller advised that they went with the cedar because it grows faster and stays full and green year-round.

Chairwoman Patterson-Herndon asked if the applicant was willing to go with something else because there are a lot of people who are allergic to cedar.

Mr. Miller advised the Commission that they were fine with whatever the Commission wanted to consider. Mr. Miller also explained that there are a lot of kids walking home from school each day and a masonry wall would block visibility.

Commissioner Hermann asked the applicant what the difference was with what they are proposing versus a tubular steel fence.

Mr. Miller advised that what they are proposing is the other option for a "masonry" product type listed in our ordinance.

Commissioner Hermann asked if they even needed the variance for what they are requesting since it conforms to the zoning.

Ms. Mecke explained that the product type the Commission was viewing was different from what was originally sent to staff.

Mr. Ogan asked if the reason form the request was more for speed of construction or aesthetics.

Mr. Miller advised it was more for aesthetics and more for maintenance reasons.

Mr. Ogan asked if he residents of the neighboring subdivision had been notified of the change.

Ms. Mecke advised no but would defer to the applicant.

Mr. Miller advised that they had not notified the residents.

A motion was made by Commissioner Wenzel, seconded by Commissioner Nylec to recommend approval of the Revised Site Plan. The motion passed with a 6-1 vote. Commissioner Ogan voted against the request.

19. Conduct a Public Hearing/Consider/Discuss/Action on a request to establish zoning 78.0± acres located on the north side of Farm-to-Market Road 455, 3,830± feet west of Standridge Boulevard to Planned Development-SF-TH Townhome District. Applicant: Charles Covey – LandVest Development.

Ms. Mecke introduced the item. The applicant is requesting approval of a request to establish zoning on 78.0± acres to allow for a townhome development.

Commissioner Ogan asked if the city had plans to widen F.M. 455 to help with all of the new development.

Ms. Mecke advised that F.M. 455 is a TXDOT road and asked if the City Engineer, Wes Lawson, would come up to the podium to answer that question.

Mr. Lawson explained that TXDOT intends to improve the roadway and the curve in the road, but was not aware of the timeline associated with it.

Ms. Mecke explained that the applicant is fully aware that they must dedicate right-of-way to help with the straightening of the roadway and improvements.

Commissioner Ogan asked if there would be a light at the intersection and if so, would it be before or after the development.

Mr. Lawson explained that it would be at the discretion of TXDOT whether a traffic impact analysis would be needed to facilitate that.

Commissioner Nylec asked for clarification if they were proposing zero-lot line and where they intended to have them.

Ms. Mecke pulled the proposed Concept Plan up on the screen to show the Commission where the applicant intended to have the zero-lot line product and the proposed setbacks.

Commissioner Hermann asked for clarification regarding the required screening.

Ms. Mecke explained the current ordinance and that there is no flexibility within it when two different use types abut each other.

The Public Hearing was opened at 7:33 p.m.

The applicant approached the podium and advised that they did not have any sort of presentation, but that they were happy to answer any questions the Commission may have.

Commissioner Ogan advised that when looking at the Site Plan, he did not see any variation or imagination to the proposed development.

The applicant provided the Commission with a handout, showing elevations and pictures of the unit types for the proposed development.

Commissioner Ogan asked for a total count for parking and explained that he has some concerns about the amount of traffic coming in and out of the proposed development with only one way in and one way out.

The applicant provided a rough estimate for total parking spaces provided. He also explained that they are working with TXDOT to confirm what is needed should they be allowed to develop.

Commissioner Hermann asked if the units were going to be for rent or for sale.

The applicant stated that they were going to be for rent.

The Public Hearing was closed at 7:39 p.m.

Commissioner Hermann asked staff for clarification on the recommendation guidelines.

Ms. Mecke explained what they represent.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Martin to recommend approval of the zoning request. The motion passed with a 6-1 vote. Commissioner Ogan voted against the request.

20. Consider/Discuss/Action on The Parks at Hurricane Creek, Concept Plan. Applicant: Charles Covey – LandVest Development.

Ms. Mecke introduced the item. The applicant is requesting approval of a Concept Plan associated with the zoning request. The request is contingent on the zoning case.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Hermann to recommend approval of the Concept Plan. The motion passed with a 6-1 vote. Commissioner Ogan voted against the request.

21. Conduct a Public Hearing/Consider/Discuss/Action on a request for a Specific Use Permit (SUP) for a metering station on one lot on 0.6± acre located on the north side of future Rosamond Parkway, 995± feet west of County Road 368. Applicant: MM Anna 325 LLC.

Ms. Mecke introduced the item. The applicant is requesting approval of a Specific Use Permit for a metering station located within the Villages of Hurricane Creek development. The request is recommended for approval.

Commissioner Nylec asked if the Fire Department has reviewed the request.

Ms. Mecke advised that the Fire Department does review all requests and that all essential staff meets to review plans together to discuss what is presented.

Commissioner asked if the applicant was providing sufficient access.

Ms. Mecke explained that the applicant was, in fact, providing sufficient access and a knox box for fire department entry.

Commissioner Hermann asked who was responsible for maintaining the property.

Ms. Mecke explained that the lot will be a leased lot to Atmos Energy and that Atmos Energy will be responsible for maintaining the leased property.

The Public Hearing was opened at 7:46 p.m.

The applicant's representative, John Tedesco with Kimley-Horn, advised the Commission that he was there to answer any questions that the Commission might have.

Chairwoman Patterson-Herndon asked how the metering station will be serviced and maintained.

Mr. Tedesco explained that Atmos Energy will be maintaining their portion of the property but was unsure what the agreement will be between Atmos and The Villages of Hurricane Creek as it pertains to the screening wall and landscaping.

Chairwoman Patterson-Herndon asked if they had talked with surrounding neighbors about the proposed metering station.

Mr. Tedesco advised they had not talked with neighbors.

Commissioner Hermann asked what the purpose was for the specific location as opposed to another location.

Mr. Tedesco explained to the Commission that Atmos had formal conversations with the Villages of Hurricane Creek to provide gas services to the development and its residents.

Commissioner Clemens asked if there was any kind of humming sounds or any other sounds or smell that the residents would be bothered by if this were approved.

Mr. Tedesco advised that the noise and the lighting would not go past the parcel limits. He further explained that Atmos would be adding devices to the area to help protect the residents from any sound and lighting.
Commissioner Hermann asked if this was going to go in before the rest of the residential development or after.

Mr. Tedesco explained that he did not want to speak for Atmos when it comes to the timing because he is not part of that portion of it, but he was not sure.

Mr. Stewart Brown, residing at 3027 Crossing Drive, expressed that he was against the proposed metering station due to the fact that Mr. Tedesco did not answer the Commissions questions, the metering station does not pass the smell test, or if there will be any noise. He also advised that Atmos waited until after the neighborhood was halfway built before saying they needed this to serve the residents. Mr. Brown also explained that before the Villages of Hurricane Creek was even built, Atmos had the existing easement in place and refused natural gas to him and his neighbors. He explained that this gas metering station can go anywhere else, specifically pointing out other areas with a lot more land, further away from residents.

Mr. Tom Longmire, residing at 3032 Crossing Drive, expressed concerns about the smell and noises. Mr. Longmire also explained that he used to work in the oil and gas industry and that there will be a smell and noise issue if allowed. He also advised the Commission that none of the neighbors have seen any details for the metering station. He asked that the Commission hold off from approving the project until more questions are answered by the applicant.

Mr. Ryan Teichman, residing at 3037 Crossing Drive, advised the Commission that he was opposed to the project and explained that he has three young boys and feels this is a health and safety issue for him and his family. He also feels the project can be moved to another location that is further away from the residents.

Mr. Altobelli recommended that the Commission table the item until the applicant could be present to answer a lot of the unanswered questions that were asked.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Clemens to table and hold open the public hearing item until the November 7, 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.

Mr. Tom Longmire then approached the podium to ask that the city do a better job and notify residents in a larger range rather than the required 200 feet.

Chairwoman Patterson-Herndon advised that the Public Hearing had already been closed and that the 200-foot notice requirement is a requirement by the state, not the city.

22. Consider/Discuss/Action on the Villages of Hurricane Creek, Site Plan. Applicant: MM Anna 325 LLC.

Chairwoman Patterson-Herndon asked staff if this item was contingent on Item 21.

Mr. Altobelli advised that it was, so the Commission would take the same action as they did on Item 21.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Clemens to table and hold open the public hearing item until the November 7, 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.

23. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend Planned Development Ord. No. 860-2020. Applicant: MM Anna 325 LLC.

Ms. Mecke introduced the item. The applicant is requesting to amend the current Planned Development in order to remove language that limits the number of multiple-family units prior to the issuance of a building permit for a commercial use. The request is recommended for approval.

Commissioner Ogan asked if Council has had the opportunity to weigh in on this particular request.

Ms. Mecke advised that the applicant was supposed to go before Council as a workshop item, but that the item was later pulled from that specific agenda. Therefore, the applicant and staff chose to proceed forward with the amendment request to P&Z and then to Council.

Commissioner Clemens asked who pulled the item from Council agenda.
Mr. Altobelli advised the reason it was pulled from Council was because the applicant was unable to make the meeting due to travel. He also advised that it is common protocol that the requests come to the Commission first then to Council.

Commissioner Hermann asked if everyone has reviewed the proposed land uses along with the phasing.

Mr. Altobelli explained that staff has reviewed it and further explained the language written into the Planned Development the section that is being requested to be removed.

Commissioner Clemens asked if the applicant was going to build all of the multifamily only or if the commercial component was also included with construction timelines as well.

Mr. Altobelli explained that the applicant has a separate agreement (not included with the zoning) that goes into detail about the timelines associated with the commercial.

Chairwoman Patterson-Herndon advised that she had compared the old document with the new one and asked for clarification regarding the replacement language in the new document.

Mr. Altobelli explained that the document she was referring to was the separate document that has the applicants language but is reviewed and approved by the City Attorney.

Commissioner Hermann asked for clarification on whether or not the commercial component was going to be built or not.

Mr. Altobelli assured the Commission that the commercial component will still be built because there are still triggers inside the separate document.

Commissioner Clemens asked for clarification on the size of restaurant and whether it could be a fast-food restaurant or sit down restaurant.

Mr. Altobelli explained that it is a minimum size requirement and that 5,000 square feet is a large size. He also advised that the applicant was present to answer any questions the Commission might have. He further explained that the applicant was actively advertising for the commercial component.

Commissioner Ogan expressed concern with moving forward explaining his reason was because there were too many loose ends to the request.

Mr. Altobelli explained that the only request is to remove the stipulation language associated with the commercial component so the multifamily can continue with construction.

Commissioner Nylec asked if the multifamily use was already allowed.

Mr. Altobelli assured the Commission that the multifamily use is already allowed within the current zoning.

Commissioner Ogan still had reservations about the request and asked if the ordinance needed to be re-written.

Commissioner Hermann explained to Commissioner Ogan that the request is just to modify that specific section to allow the buyer to continue building the multifamily portion since they still do not have a commercial buyer yet.

The Public Hearing was opened at 8:12 pm.

Mr. Sean Terry, applicant for the request, explained, more in depth, the request and the history of the original Planned Development. He also explained everything that they, as the applicant, are responsible for, including right-of-way. Mr. Terry also advised that they spoke with the City Manager and talked with Council about the proposed.

Commissioner Clemens asked if the water feature was going to be an actual water feature or a retention pond.

Mr. Terry advised that it would not be a retention pond, but to be an actual water feature.

Commissioner Hermann asked if the apartments were going to be affordable or market rate.

Mr. Terry confirmed that they will be market rate.

Commissioner Hermann asked if they were going to be 3-story or 4-story.

Mr. Altobelli advised that he believed they are allowed up to 5-story with the flexibility of the language.

The Public Hearing was closed at 8:16 pm.

Commissioner Hermann asked if Commissioner Ogan had any more concerns or questions about the request.

Commissioner Ogan expressed his concern regarding how messy this seemed.

Commissioner Hermann asked him to clarify what he meant by messy.

Commissioner Ogan explained that they didn't even receive the staff report until the 11th hour giving the Commission no chance to look at it and he feels this request has some complexity to it that needs to be addressed.

Mr. Altobelli further clarified the only area that is in question and further explained that nothing is changing other than allowing the multifamily to build more units (already approved) before the commercial component comes in.

Ms. Mecke explained to the Commission that the staff report missing from the packet was a technical issue with the software but that the applicant's letter essential addressed all of what was in the staff report.

A motion was made by Commissioner Hermann, seconded by Chairwoman Patterson-Herndon to approve the Planned Development Amendment request. The vote was unanimous.

Adjourn

A motion was made by Commissioner Martin, seconded by Chairwoman Patterson-Herndon to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:27 p.m.

Chairwoman Kelly Patterson-Herndon

ATTEST:

Salena Tittle

Salena Tittle, Planner II