

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

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

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

Consent Items

A motion was made by Commissioner Ogan seconded by Commissioner Wenzel to recommend approval of consent items 5-16. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the October 3, 2022 Planning & Zoning Commission Meeting.
6. Consider/Discuss/Action on the James' Estates, Block A, Lot 1, Development Plat. Applicant: Derrick & Meegyn James.
7. Consider/Discuss/Action on the McAlexander West, Block A, Lot 1, Final Plat. Applicant: Joseph C McAlexander.
8. Consider/Discuss/Action on the Meadow Vista, Phase 2, Final Plat. Applicant: Bloomfield Homes, LP.
9. Consider/Discuss/Action on The Woods at Lindsey Place Municipal, Block A, Lot 1, Block B, Lot 1, Block C, Lot 1X, Final Plat. Applicant: David Booth, D.R. Horton.
10. Consider/Discuss/Action on the Anna Town Center Addition, Block A, Lots 6R & 12, Replat. Applicant: Brian Bischoff / Chief Partners.
11. Consider/Discuss/Action on the Independent Bank Addition, Block A, Lot 1R, Replat. Applicant: Anna Economic Development Corporation and Anna Community Development Corporation.
12. Consider/Discuss/Action on the Willow Creek Addition, Phase 1B, Block G, Lot 1R, Replat. Applicant: Marcus Property Company LLC.

13. Consider/Discuss/Action on the Anna Town Square Addition, Block A, Lot 2R, Preliminary Replat. Applicant: Grand at Anna II Owner, LLC.
14. Consider/Discuss/Action on the Blacklock Storage, Block A, Lot 1, Preliminary Plat. Applicant: 926 Powell Anna TX, LLC.
15. Consider/Discuss/Action on the Prose Foster Crossing, Block A, Lot 1, Preliminary Plat. Applicant: 615 Foster Crossing Investments LLC.
16. Consider/Discuss/Action on Fire Station No. 2, The Villages of Hurricane Creek, Phase 1B, Block I, Lot 18X, Site Plan. Applicant: City of Anna.

Items for Individual Consideration

17. Consider/Discuss/Action on the Pitts Addition, Block A, Lots 1 & 2, Final Plat. Applicant: Gregory C. & Judy K. Pitts.

Ms. Tittle introduced the item. The applicant is requesting approval of a Final Plat with a waiver to the maximum cul-de-sac street length in order to subdivide the existing tract of land into two lots. The Final Plat is recommended for approval.

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

18. 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 gas metering station on 0.6± acre located within the Villages of Hurricane Creek development. The item had been tabled at the previous meeting.

The Public Hearing was opened at 7:06 p.m.

The applicant's representative, John Tedesco with Kimley-Horn and Associates gave a brief presentation regarding the project and to try to answer some of the questions that the Commission had at the previous meeting.

Commissioner Wenzel asked the applicant why they are choosing this particular location around the existing houses when there is a huge amount of empty green space around Anna.

Mr. Tedesco explained that one of the representatives from Atmos might want to answer that question.

John Manganilla, Manager of Public Affairs for Atmos Energy, advised the Commission that this was going to serve the gas needs for the growing community and that this site was going to go on top of the existing pipeline that runs through the community.

Commissioner Wenzel asked how far west does the gas line run.

Mr. Manganilla advised that he did not have that information in front of him, so he was unsure. Mr. Manganilla then asked Ms. Mecke if she was able to pull the city's GIS map up on the screen because you can typically see the pipeline scaring on the ground to see how far it actually runs.

Commissioner Martin asked where the next nearest easement was in case they didn't put it at this exact location.

Mr. Manganilla advised it would be somewhere on the actual pipeline. He then asked for clarification to Commissioner Martin's question.

Commissioner Martin explained that she would like to know, if this request does not pass, where is the nearest location they would choose next.

Mr. Manganilla advised that they would have to go back to the drawing board and see where they could feasibly put the station.

Chairwoman Patterson-Herndon asked how much volume would go through this location.

Mr. Manganilla explained that it would change based on the growth of the community. As of right now, this location will be serving the Hurricane Creek development as it develops.

Chairwoman Patterson-Herndon asked if this was a transfer station or is it just a metering station.

Mr. Manganilla advised that it will be pulling gas off the high pressured transmission line and measuring the gas as it comes off.

Chairwoman Patterson-Herndon asked if there were any other stations near this location or in Anna.

Mr. Manganilla advised that this would be the second location in Anna and it will help with supply during critical times.

Chairwoman Patterson-Herndon asked if there will be any other chemicals kept in this area.

Mr. Manganilla asked for specifics.

Chairwoman Patterson-Herndon emphasized that she wanted to know if any chemicals will be stored on site.

Mr. Manganilla said no and that they do not typically store chemicals or typically use chemicals. He explained that the only chemical they use that will be on site is deodorizer.

Commissioner Hermann asked if the subdivision getting gas is relying on this particular location.

Mr. Manganilla said they will be serving the Hurricane Creek subdivision from this particular location. He also explained that this location will also be serving other subdivisions as Anna grows.

Chairwoman Patterson-Herndon said she was curious to know where the first location is in Anna.

Mr. Manganilla said he could get her the information but that he would have to go back and look at their GIS system.

Mr. Tom Longmire, residing at 3032 Crossing Drive, spoke in opposition of the request and explained that it is too close to the residences, the chemicals used are known to be dangerous to humans and it will be too close to backyards where children play. He advised that these metering stations typically have a number of chemicals on site that are known to have dangerous reactions to humans. He believes it could be located further away.

Mr. Richard Espinosa, residing at 3106 Crossing Drive, spoke in opposition of the request and explained that there will definitely be other chemicals used and stored on site. He believes this could be located somewhere else.

Mr. Mike Archer, residing at 3119 Crossing Drive, spoke in opposition of the request and read some information from the U.S Department of Transportation Pipeline and Hazardous Materials Safety Administration which goes into detail of gas distribution significant causes. He advised that having the metering station at that location increases the chances of errors and significant causes that are of concern to the residents. He believes that Atmos should find another location that has less residents that would be impacted. Mr. Archer also explained that another significant cause listed is impact damage and he is concerned with cars on the future Rosamond and potential accidents that could impact the station.

Ms. Susan Easaw, residing at 3040 Crossing Drive, spoke in opposition of the request and explained that the neighborhood has several elderly residents and several with small children and the respiratory issues that can come with this metering station.

Mr. Ben Easaw, residing at 3040 Crossing Drive, spoke in opposition of the request and explained that this metering station can go somewhere else. He advised that articles in 2021 clearly show that there have been health issues for even the crew that has to clean the metering station with the chemicals that are used.

Mr. Stuart Brown, residing at 3027 Crossing Drive, spoke in opposition of the request and advised that the applicant still has not answered the Commissions questions. All the applicant did was show two slides that prove its noisy and that it stinks. He said that there are already hundreds of homes in the new development that are already getting gas from somewhere and that this proves the new metering location is not just for the new development. Mr. Brown also explained that this new location will not be providing his neighborhood with gas, but have no problem sticking it in their backyard.

Mr. Ryan Teichman, residing at 3037 Crossing Drive, spoke in opposition of the request and advised that the applicant can go somewhere else. The applicant does not provide them with gas either.

Ms. Kylee Kelley, residing at 3006 Urban Way, spoke in opposition to the request and advised that she agrees with her neighbors that the metering station can go somewhere else.

The Public Hearing was closed at 7:30 p.m.

Chairwoman Patterson-Herndon asked the applicant to elaborate on the chemicals a little more.

Mr. Manganilla said that he manages the public affairs and is not knowledgeable on the day-to-day operations. He also clarified the location of the existing site.

Chairwoman Patterson-Herndon asked if there was anywhere else they could consider placing the metering station.

Mr. Manganilla explained that they would have to work with the developer, engineering team, and planning team to see where it would be feasible. He said this is where they thought was the best fit because there is already one on the east side of town.

Commissioner Clemens advised that in a city of 400,000, stations like these are everywhere. She also explained that this will eventually be in someone else backyard. She feels this is a good spot for it because there is easy access for fire fighters, and it is a necessity. Commissioner Clemens brought up that it was really nice to have gas when there was no electricity during the winter freeze.

Commissioner Martin asked if this location meets all of the requirements of the City of Anna.

Ms. Mecke explained that the request is for a specific use permit which a gas metering station is only allowed by in any zoning district within the city. The applicant would still have to go through a civil review to ensure they are meeting regulations.

Commissioner Wenzel explained how the Commission and Council can approve or deny based on the health and safety of the public. He advised that there is a gas metering station in front of his office in McKinney and it is so loud he cannot hear the conversation going on in his office. He feels the metering station can go elsewhere.

Commissioner Hermann explained that he would be interested to know where else it can be located.

Commissioner Clemens said that she wouldn't mind if the applicant could come back to show another location it could be placed.

Commissioner Martin said she would still like to know of any and all chemicals that would be used and stored on site.

Chairwoman Patterson-Herndon asked staff if they could table the item again to get the specific questions answered.

Mr. Altobelli explained that he did not see a problem with that if that were their decision. It is within the Commissions right to make that decision. It would give the applicant more time to find a possible second location. He also advised

the Commission that they could ask the applicant if they would be amenable to the Commission tabling the item again.

Chairwoman Patterson-Herndon asked if the applicant can find another location and be more specific with the type of chemicals that will be kept on site.

Mr. Altobelli reminded the Commission that they could provide a recommendation to Council and express their concerns within the recommendation if they choose to vote on the item instead of tabling.

Chairwoman Patterson-Herndon asked the applicant if they were willing to provide the items requested.

Mr. Manganilla advised that he can get the chemical information. He said he does not believe chemicals will be stored on site. Gas comes in, gas goes out, he said. As for a new location, he asked if the Commission had a preferred site they would like to see. He said that this was to provide gas to the community and that he would be happy to entertain the idea of where they would like to see it. If they can make it happen, they will.

Commissioner Clemens advised that they would prefer to see it where there aren't any neighbors yet.

Mr. Manganilla explained to the Commission Atmos would like to see where it is the Commission would prefer the metering station to go. His concern is to find another location only for it to be tabled again and have spent all this time not know what the Commission would like to see. But it would have to be along the existing pipeline.

Mr. Nick Roy, with Atmos Energy, approached the podium and explained to the Commission that this gas metering station will be servicing the Villages of Hurricane Creek as well as Anacapi, Meadow Vista, and Mantua developments. The site has to be accessible from a roadway but also has to be on the transmission line. He also explained that this will be for the future developments of several thousand homes.

Mr. Manganilla explained that part of the reason for this particular location is because the developer is giving Atmos this land in order to service the development. If they don't use this location, they do not have land elsewhere to use. He asked if the Commission is asking the developer to redo his subdivision.

Mr. Altobelli advised the Commission that this request is by the property owner for this use on their property. If Atmos was to go look for property elsewhere, they would have to reapply with a different property owner, different application, etc. He recommended that the Commission vote and provide a recommendation to the Council with their concerns.

A motion was made by Commissioner Wenzel, seconded by Commissioner Hermann to recommend denial of the Specific Use Permit request. The motion passed unanimously.

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

Ms. Mecke introduced the item. The applicant is requesting approval of the Site Plan associated with the Specific Use Permit, item #18. The request is contingent on the Specific Use Permit.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Martin to recommend taking no action due to denial of the Specific Use Permit. The motion passed unanimously.

20. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend zoning for multiple-family residences on one lot on 16.3± acres located on the south side of County Road 1106, 185± feet east of N. Powell Parkway. Applicant: Anna 1340 Holding LLC.

Ms. Mecke introduced the item. The applicant is requesting approval to amend zoning for a multiple-family residence development. The request is recommended for approval.

The Public Hearing was opened at 7:51 p.m.

Mr. Rob McClain with ONM Living gave a brief presentation about the project.

Commissioner Hermann asked if the applicant knew any sort of timeline for the project.

Mr. McClain said ideally they would like to start turning dirt in the second quarter of 2023 and fully leased 30 months after the start of turning dirt.

Chairwoman Patterson-Herndon asked if the applicant had any plans for County Road 1106.

Mr. McClain advised that they would be contributing by means of roadway impact fees.

Ms. Mecke advised the Commission that Greg Peters, Director of Public Works, determined that there was not a need for the developer to build the road as of now, but that the developer would pay for it by means of roadway impact fees. She also explained that they would have to dedicate right-of-way for that future roadway.

Chairwoman Patterson-Herndon asked the applicant to explain the tree preservation buffer a little more.

Mr. McClain said that they would love to preserve and keep the trees along the railroad.

Chairwoman Patterson-Herndon asked for clarification on the request for fencing greater than 3 feet in height within the front yard setback.

Ms. Mecke and Mr. Altobelli explained the ordinance as it is written today and why they had to add this request within the PD along County Road 1106.

Mr. Cameron Caller, residing at 3305 Greymoore Drive, filled out a speaker card expressing his opposition for the zoning request. He approached the podium and had a few questions regarding the development. He asked if the current zoning was for single-family or multifamily.

Commissioner Hermann advised the current zoning is MF-1 for multifamily.

Mr. Caller expressed concerns about County Road 1106 and that it is in need of repair. He is hoping that they will repair that before they start construction. He also expressed concerns about the railroad portion of County Road 1106 and how the pavement is mushrooming and makes it difficult to navigate over. Mr. Caller also asked that the city look into putting in a stop light at Hwy 5 and County Road 1106. He also said he thinks it would be a very good idea if the new neighbors, who's property is under contract in the adjacent development, were notified about the changes to this site.

Ms. Mecke approached and answered some of the questions of Mr. Caller. She advised that the railroad portion of County Road 1106 is owned and maintained by TXDOT and that TXDOT will need to make the repairs and obtaining a light at Hwy 5 and County Road 1106.

The Public Hearing was closed at 8:09 p.m.

A motion was made by Commissioner Clemens, seconded by Chairwoman Patterson-Herndon to repeal and replace with the recommended restriction highlighted in staff's report. The vote was unanimous.

21. Consider/Discuss/Action on the Anna Station, Concept Plan. Applicant: Anna 1340 Holding LLC.

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

22. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 65.0± acres located on the east side of U.S. Highway 75, 1,200± feet south of W. White Street from Planned Development-C-1 Restricted Commercial District (PD-C-1) (Ord. No. 107-2003) to Planned Development. Applicant: CAALMS GROUP, LLC.

Ms. Tittle introduced the item. The applicant is requesting to rezone 65.0± acres in order to allow for a mixed-use multiple-family and commercial type development with modified development standards. The request is recommended for approval.

Commissioner Hermann asked if we knew where the two monument signs will be placed for the MF-1 (Tract 3) development.

Ms. Tittle advised that the exact determination of the location for the monument signs will be at the Site Plan review phase.

The Public Hearing was opened at 8:17 pm.

Mr. Josh Eadie, with NexMetro and applicant for the request, gave a brief presentation for the request.

Commissioner Hermann asked if the intent was to have the single family for rent development be gated.

Mr. Eadie advised yes and elaborated on the entrance and exit gates and where there will be sufficient turnarounds.

Commissioner Hermann asked if the multifamily apartments will be market rate.

Mr. Eadie advised yes.

Commissioner Clemens asked how the Quasi-Public street would work.

Mr. Eadie explained that it would be on condition of the commercial portion of the development and dedicated with all of the easements for its constructability. He also advised that this will be private owned and maintained by the commercial component, but open to the public for use.

Mr. Altobelli explained that it will be privately maintained, but that it is basically a fire lane open to the public.

Commissioner Wenzel asked for clarification on the request for the no visitor parking provided stipulation.

Mr. Eadie explained that they have a letter from a traffic engineer that shows the traffic generation from these types of developments and that it does not generate the same amount as what is typical for your normal multiple-family developments.

The Public Hearing was closed at 8:31 pm.

Commissioner Hermann asked staff to clarify if the uses listed in the staff report are the restricted uses.

Ms. Tittle explained that the 10 uses listed in the staff report are what they and staff would like to restrict from the commercial component of this development that would otherwise be allowed.

A motion was made by Commissioner Hermann, seconded by Commissioner Martin to approve the Planned Development zoning request. The vote was unanimous.

23. Consider/Discuss/Action on the NexMetro / SWBC Anna, Concept Plan. Applicant: CAALMS GROUP, LLC.

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

24. Conduct a Public Hearing/Consider/Discuss/Action on a request for a Specific Use Permit (SUP) for a hotel on one lot on 3.0± acres located on the east side of Standridge Boulevard, 1,040± feet north of Suzie Lane. Applicant: North Texas HOCO, LLC.

Mr. Altobelli introduced the item. The applicant is requesting approval of a Specific Use Permit on 3.0± acres to allow for the use of a hotel. The request is recommended for approval.

The Public Hearing was opened at 8:36 pm.

Mr. Robert Colombo, the applicant, gave a brief presentation about the hotel project and their Specific Use Permit request.

Chairwoman Patterson-Herndon asked where the pool will be located.

Mr. Colombo pulled the proposed Concept Plan up on the screen and indicated the location.

Commissioner Hermann asked for clarification on whether this was going to be a 4-story hotel or a 3-story hotel.

Mr. Colombo advised that originally it was proposed to be a 4-story but they have since narrowed it down to a 3-story product.

The Public Hearing was closed at 8:45 pm.

A motion was made by Commissioner Martin, seconded by Commissioner Ogan to approve the Specific Use Permit request. The vote was unanimous.

25. Consider/Discuss/Action on the One Anna Two Addition, Block A, Lot 4R, Concept Plan. Applicant: North Texas HOCO, LLC.

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

26. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 1.2± acres located at the southeast corner of E. Fourth Street and S. Sherley Avenue. Applicant: City of Anna.

Mr. Altobelli advised that the city is requesting to table and hold open the Public Hearing to the December 5th Planning & Zoning Commission Meeting which will be located at 120 W. 7th Street at 7:00 pm.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Clemens to table and hold open the item to the December 5th Planning & Zoning Commission Meeting. The vote was unanimous.

27. Consider/Discuss/Action on a recommendation regarding the Avery Pointe Commercial, Block A, Lots 1R, 4 & 5, Unified Development Zone and Signage Coordination Plan. Applicant: Ashton Gray, LLC.

Ms. Mecke introduced the item. The applicant is requesting approval of a Unified Development Zone and approval of a Signage Coordination Plan in order to have one unified monument sign for the entire development.

Chairwoman Patterson-Herndon asked what will happen to the existing Avery Pointe sign.

Ms. Mecke explained that the existing sign for Avery Pointe is within a sign easement and will remain at its location. The new monument sign will be located approximately 90 feet from the existing.

Chairwoman Patterson-Herndon asked if the sign would interfere with traffic line of sight.

Ms. Mecke advised no it would not.

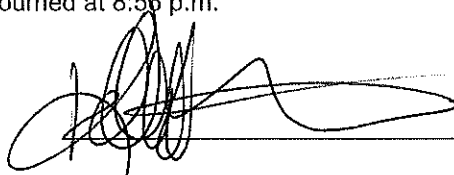
Commissioner Hermann asked if this sign would service the retail in the back portion of the development.

Ms. Mecke advised that it would service all 5 entities, not just the three in the back.

A motion was made by Commissioner Clemens, seconded by Commissioner Wenzel to recommend approval of the Unified Development Zone and the Signage Coordination Plan request. The vote was unanimous.

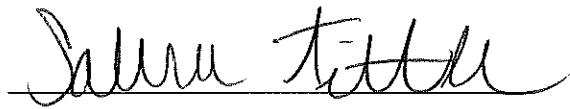
Adjourn

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Martin to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:56 p.m.

A handwritten signature in black ink, appearing to be "Kelly Patterson-Herndon", written over a horizontal line.

Chairwoman Kelly Patterson-Herndon

ATTEST:

A handwritten signature in black ink, appearing to be "Salena Tittle", written over a horizontal line.

Salena Tittle, Planner II