

**MINUTES  
PLANNING AND ZONING COMMISSION  
April 3, 2023**

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on April 3, 2023, at the Municipal Complex located at 120 W. 7<sup>th</sup> 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, Douglas Hermann, Michelle Clemens, David Nylec, and Staci Martin. Commissioner Paul Wenzel was absent. Staff present were Lauren Mecke and Greg Peters. Mayor Pro Tem Lee Miller, Deputy Mayor Pro Tem Randy Atchley, and Councilman Pete Cain 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.

There were no speakers.

4. Location Map

Consent Items

A motion was made by Commissioner Ogan, seconded by Chairwoman Patterson-Herndon to recommend approval of consent items 5-15. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the March 6, 2023 Planning & Zoning Commission Meeting.
6. Consider/Discuss/Action on the Arden Park Phase I, Block C, Lot 1X, Site Plan. Applicant: Arden Park Owner TX LLC, a Delaware Limited Liability Company.
7. Consider/Discuss/Action on the Burnco Addition, Block A, Lot 1, Final Plat. Applicant: Tricycle Lane Texas, LLC / Burnco Texas, LLC.
8. Consider/Discuss/Action on the Cedar Ridge Estates, Phase 1, Final Plat. Applicant: Saginaw 106, LTD.
9. Consider/Discuss/Action on the Church Street Addition, Block A, Lots 1-6, Final Plat. Applicant: Fieldside Development, LLC.

10. Consider/Discuss/Action on the Gateway at Buddy Hayes, Block A, Lots 1 & 2, Block B, Lot 1, and Block C, Lot 1, Final Plat. Applicant: CAALMS Group, LLC (Srikanth Routhu).
11. Consider/Discuss/Action on the Gateway at Buddy Hayes, Block A, Lot 2, Revised Concept Plan. Applicant: CAALMS Group, LLC (Srikanth Routhu).
12. Consider/Discuss/Action on the E. White Street/Leonard Trails Commercial, Block A, Lots 1, 2, 3, & 4, Minor Plat. Applicant: Rising Wakulla Investments, L.P.
13. Consider/Discuss/Action on the Waldrip Switchyard Addition, Block A, Lot 1, Final Plat. Applicant: Rayburn Electric Cooperative, Inc.
14. Consider/Discuss/Action on the Slayter Creek Park (Anna ISD Park Addition, Lot 2), Site Plan. Applicant: City of Anna.
15. Consider/Discuss/Action on the Natural Springs Park (Autozone Addition, Block A, Lot 2), Site Plan. Applicant: City of Anna.

#### Items for Individual Consideration

16. Conduct a Public Hearing/Consider/Discuss/Action on an amendment to uphold, amend, supplement, change, modify or repeal a Specific Use Permit granted under Ord. No. 1014-2022 to allow 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. Zoned: Planned Development (Ord. No. 932-2021).

Ms. Mecke introduced the item. Ms. Mecke explained that City Council has requested that the recently approved Specific Use Permit for a gas metering station be called back before the Commission as well as City Council for further discussion and decide whether the item should be upheld, amended, modified, or repealed.

Chairwoman Patterson-Herndon asked if for verification on the distance from the school.

Ms. Mecke advised roughly 4,000 feet along the roadway.

Commissioner Nylec asked how far along Atmos was on the construction.

Ms. Mecke said she would have to defer to Mr. Greg Peters, Interim Assistant City Manager, to answer that question.

Mr. Peters advised that Atmos had already performed some earthwork within their existing easement as allowed by right. However, they have not performed any work pertaining to the proposed metering station site and the proposed improvements that were shown on the Site Plan.

Commissioner Nylec asked if there was any financial impact associated with the city coming back to deny it and asking them to move it.

Mr. Peters explained that he did not have any records from Atmos that would show any financial impact on their end. Mr. Peters further explained that he does not have any specific costs that pertain to the city at the present time.

Commissioner Nylec advised staff that he is asking because he wants to ensure he has all of the facts from a legal standpoint if they decide to deny the SUP which had already been approved by Council.

The Public Hearing was opened at 7:10 p.m.

Chairwoman Patterson-Herndon asked if the applicant was present and/or had a presentation.

Ms. Mecke advised that the city was the applicant, but that Atmos was present and available to answer any questions the Commission might have.

John Manganilla., Atmos Energy Manager of Public Affairs, approached the podium and advised the Commission that he was in attendance, as well as several other representatives from Atmos, to answer any questions that the Commission may have.

Chairwoman Patterson-Herndon asked if they have to store the mercaptan on site.

Mr. Manganilla advised that he and his team are researching that now to see if there are other available options. He further explained that as of today, the current gas line is un-odorized gas and if they tap it, they have to odorize the gas to deliver it in their distribution center.

Chairwoman Patterson-Herndon explained that she understood that but wanted to know if they have to store the chemical onsite.

Mr. Manganilla advised that in order to odorize the gas, they have to have a mercaptan tank onsite.

Chairwoman Patterson-Herndon asked what type of container.

Mr. Manganilla explained that it will be a double wall, fully enclosed container, looks like a barrel turned on its side.

Chairwoman Patterson-Herndon asked which type of mercaptan will be onsite.

Mr. Manganilla advised that he does not have that information at this time but that it was provided to Council at the last meeting. Mr. Manganilla stated that it might have been provided to the Commission in their packets.

Chairwoman Patterson-Herndon asked if this type of mercaptan is provided in all gasses or just natural gases.

Mr. Manganilla stated that he understands it is used in all gases including propane.

Chairwoman Patterson-Herndon posed an example and stated that if her neighbor has propane on their property, that it would have mercaptan in it as well.

Mr. Manganilla advised yes, that is his understanding.

Commissioner Ogan stated as he sees these types of facilities go up, he does not see that they are enclosed. Mr. Ogan then asked if that was a possibility.

Mr. Manganilla explained that you would never want them to be enclosed because gas is lighter than air and if it is enclosed, the gas would be locked in, and you want it ventilated.

Mr. Ogan explained that a building could be ventilated and that he is also thinking about the noise factor for the neighbors.

Mr. Manganilla explained that there is not a lot of noise that comes from these sites, and they will be providing an eight-foot masonry screening wall to assist with the noise factor.

Chairwoman Patterson-Herndon asked how much mercaptan would go into a propane tank to odorize it.

Mr. Manganilla explained that he is not familiar enough with propane to answer that question.

Chairwoman Patterson-Herndon asked how spills would be handled.

Mr. Manganilla explained that the operations team would be onsite if they were ever made aware of a spill. He went on to explain that the first sign of a spill is smell and if they receive a call regarding the smell, they respond immediately. Mr. Manganilla also advised that natural gas is odorless so the mercaptan is put in the gas so it is detectable should there ever be a leak.

Commissioner Martin asked if there was a remote shut off.

Mr. Manganilla explained that most stations have a remote shut off. He advised that he believes the engineer designed that into this site but wasn't sure. Mr. Manganilla further explained that as a safety mechanism at most sites, the valve will automatically shut off if there were ever an emergency such as a car hitting it.

Chairwoman Patterson-Herndon asked how secure the enclosure will be.

Mr. Manganilla explained that it is designed to protect the infrastructure but that he is unsure what she means by how secure the site would be.

Chairwoman Patterson-Herndon explained that they would have a wall but then there is an access gate. She asked what the access gate would be made of.

Mr. Manganilla explained that it is usually a wrought iron gate that slides open when the workers come up to it.

Chairwoman Patterson-Herndon asked if it was secure enough that teenagers wouldn't have the ability to jump over the fence.

Mr. Manganilla that the wall is designed to be eight feet whereas most other developments it would be six feet. He also advised that they would be willing to work with staff to design it the way the city would like it to ensure security.

Chairwoman Patterson-Herndon asked if they would be willing to go ten feet in height.

Mr. Manganilla explained that he would check with his team but that they would love to work with the city and that a higher perimeter wall and fence would make the site safer.

Chairwoman Patterson-Herndon asked what safety precautions they were going to take for this specific location.

Mr. Manganilla advised that Atmos Energy's main goal is to be the safest natural gas provider in the country, and they do whatever it takes to make all site the safest. He also referenced a discussion that took place at the last Council meeting where someone had asked what would happen if someone went through the wall and it was proposed that Atmos use bollards. Mr. Manganilla explained that they are willing to use bollards if that helps.

Commissioner Ogan asked what the distance was to the nearest residence.  
Mr. Manganilla explained that the Commission should have a copy of the Site Plan for reference.

Commissioner Ogan asked if it was approximately 100 feet or so.

Ms. Mecke advised the measurement from the screening wall to the adjacent neighbor's fence and property line is roughly 20 feet, but that the neighbors' homes are set back a good distance from the property line.

Commissioner Ogan asked if staff knew how many feet this was from an actual residence.

Ms. Mecke said that she did not have a specific number to provide him but that it was over 100 feet.

Commissioner Ogan asked if it was less than 200 feet.

Ms. Mecke advised that she cannot answer that as she does not have the number specifically. She would have to look that information up.

Mr. Stuart Brown, residing at 3027 Crossing Drive, advised that he is opposed to having a gas metering station and chemical injection site in his back yard. Mr. Brown reminded everyone what transpired over the course of their previous hearings and how this has come back around before P&Z again. He further explained that Councilman Atchley is a fire fighter in McKinney and would tell you that if there was a fire emergency at this location, the City of Anna's Fire Department would not be able to respond. Mr. Brown further advised that he is asking that the Commission have Atmos move the site further away from the homes.

Ms. Jennifer Richardson, residing at 3027 Crossing Drive, advised that she is opposed to having the gas metering station at this location and wanted to remind the Commission of what just transpired as the Commission was asking questions. She reminded the Commission that they just asked Atmos if they were going to have a remote shut off and Atmos replied that they weren't sure. What is the type of mercaptan that will be used and Atmos replied that they weren't sure. Ms. Richardson told the Commission she knew what type would be used. Ms. Richardson proceeded to show the Commission some display boards showing where the injection site would be and how far from the proposed new elementary school it would be.

Mr. Blake Branson, residing at 10927 Perennial Mist Drive Missouri City Texas, explained that he is from the Houston area but has a background in the hydrocarbon industry and wanted to give the information that he felt was necessary in order to better understand this type of use. Mr. Branson explained that if there is an emergency and the city does not have a foam truck, they will be waiting a very long time for one to get to the site because a foam truck is what is needed to fight any fire at this site.

Mr. Steve Sweeney, residing at 3111 Urban Way, advised that he is against the metering station going in at the proposed location and would like the Commission to vote exactly the way they did before. He also mentioned that propane tanks continue to get brought up as a comparison, but that it does not even come close to comparing because propane tanks are under ground, not above ground, and that the amount of mercaptan that is placed at the metering station is much more than what is placed in propane tanks.

Mr. Todd Kennedy, residing at 3012 Crossing Drive, advised that he did not wish to speak however he is against the gas metering station.

Mr. Tom Longmire, residing at 3032 Crossing Drive, advised the Commission that he is against the gas metering station at this location. Mr. Longmire stated that he went to the City of Anna Fire Station and

spoke to a Captain and two firemen to discuss the gas metering station site and they advised him that the City of Anna Fire Department was not equipped to handle a spill or fire at the gas metering station. He also stated that the city would have to wait for hazmat to arrive which would be coming from the City of Allen or the City of Plano.

Mr. Benjamin Easaw, residing at 3040 Crossing Drive, advised the Commission that he is against the gas metering station at this location. Mr. Easaw stated that Atmos lied to the city five months ago and did not disclose that this would be an injection site. He explained to the Commission that it took the neighbors doing their research and speaking out in order to get the truth out of Atmos.

The Public Hearing was closed at 7:37 p.m.

Commissioner Nylec stated that he finds it hard to believe that the City of Anna Fire Department does not have foam to fight a fire at this site if it were needed. He asked staff if the new fire truck was equipped with foam if it was needed and if we could handle an incident if it were needed, with the Fire Station No. 2 coming.

Mr. Peters explained that there were no staff present that specifically had the conversation with Mr. Longmire, or that were best suited to answer that question. Mr. Peters explained that because of this, staff would not be able to answer that question.

Chairwoman Patterson-Herndon asked the City Attorney what would happen if they, as the Commission, chose to repeal this after Council chose to approve this use five months ago.

Mr. Clark McCoy, City Attorney, explained that if the Commission chose to repeal, it would be a recommendation to the City Council to repeal.

Chairwoman Patterson-Herndon suggested that the City Council research whether or not our Fire Department was equipped with foam to fight a fire or spill at the site. She also asked staff if this site would supply all of Hurricane Creek.

Mr. Peters explained that this station would supply not just the Hurricane Creek development but several new developments coming into the area.

Chairwoman Patterson-Herndon asked if it would also supply the commercial developments up along Highway 75.

Mr. Peters said yes, that is his understanding.

Commissioner Clemens asked how many miles this would service out.

Mr. Peters stated that would be an Atmos question and not something that staff could answer.

Commissioner Clemens asked Atmos if there was anywhere on the entire pipeline where mercaptan was not used. Basically asking if there was any area of the pipeline where they did not have to use mercaptan.

Mr. Manganilla stated that they acquired this pipeline a few years ago and this was one of the very few pipelines, in their system, that was not odorized gas.

Commissioner Clemens asked what the length of the pipeline is. She also referenced that everyone is under the impression that the metering station could go anywhere along that pipeline, but that may not be accurate. They would be using mercaptan no matter where it goes.

Mr. Manganilla stated that it runs from the Texas Motor Speedway all the way up to the Kinder Morgan Plant.

Commissioner Clemens asked how much mercaptan would be stored at this site.

Mr. Manganilla stated that it would be a 250-gallon tank and filled once a year. Mr. Manganilla stated that they have one station but that it would not serve all of the new developments that are coming into Anna, which is why they are proposing this second location.

Chairwoman Patterson-Herndon asked where their first location is.

Ms. Mecke advised that it is located off of FM 2862 south of the Coyote Meadows Townhomes.

Commissioner Clemens explained that this was not an easy decision to make because this will potentially serve well over 3,000 people and that it will eventually be in someone's backyard.

Commissioner Nylec stated this was a federal requirement, and asked what the timeline was that this site had to be completed.

Mr. Manganilla explained that they are still researching when this would need to take place. He further explained that there is a timeline of when the mercaptan has to be in the pipeline, but it had not reached that yet. They have to re-rate the pipeline to determine when it has to be in the pipeline.

The Commission continued to discuss their thoughts on what the decision should be.

Mr. Peters stated that option 2 would allow the Commission to make modifications and supplemental changes to the existing ordinance which would recommend that Council add to the approved ordinance.

Chairwoman Patterson-Herndon asked if they could recommend that Atmos find another location down the pipeline for the metering station.

Mr. Peters explained that the Specific Use Permit is for this specific location and that if the Commission chooses to recommend another location, that is recommending to repeal.

Commissioner Ogan stated that if they decided to move the metering station to a new site, a new ordinance would need to be drafted. He then asked if they could specify, within the new ordinance, a certain distance from anything nearby that the metering station could be placed.

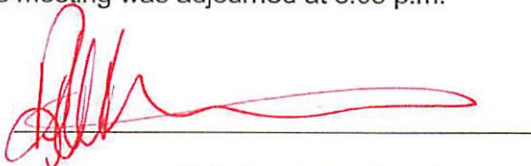
Mr. Peters explained that with any new ordinance, certain stipulations could be made. However, the Commission needs to focus on this specific site with this specific ordinance.

Ms. Mecke further explained that a later conversation can be made with changing the city's current ordinances to add in certain stipulations as it pertains to any gas metering station site, moving forward.

A motion was made by Commissioner Nylec, seconded by Commissioner Hermann to recommend repealing Ordinance Number 1014-2022. The vote was unanimous.

Adjourn

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Ogan to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 8:03 p.m.

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

Chairwoman Kelly Patterson-Herndon

ATTEST:

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

Salena Tittle, Planner II