

AGENDA



PLANNING AND ZONING COMMISSION

Monday, July 1, 2024 @ 6:00 PM

**Council Chambers at the City of Anna Municipal Complex,
located at 120 W 7th Street, Anna, TX 75409**

The Planning & Zoning Commission of the City of Anna will meet on 07/01/2024 at 6:00 p.m. in the Council Chambers at the City of Anna Municipal Complex, to consider the following items.

If you wish to speak on an Open Session agenda item, please fill out the Speaker Registration Form and turn it in to city staff before the meeting starts.

1. **Call to Order, Roll Call, and Establishment of Quorum.**
2. **Invocation and Pledge of Allegiance.**
3. **Neighbor Comments:** At this time, any person may address the Planning & 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 neighbor's inquiry or to recite existing policy in response to the inquiry.
4. Location Map
 5. Elect the Planning & Zoning Commission Chairperson.
 6. Elect the Planning & Zoning Commission Vice-Chairman.
 7. Elect the Planning & Zoning Commission Secretary.
 8. Review/Discuss/Action on Planning & Zoning Commission Rules of Procedure.
 9. Review/Discuss/Action on the Tree Board Rules of Procedure.

Consent Items

10. Approve Minutes of the June 3, 2024, Planning & Zoning Commission Meeting
11. Approve a Resolution regarding the Parmore – Anna, Block A, Lot 1, Final Plat. Applicant: Anna Town Center Mixed Use, LLC
12. Approve a Resolution regarding the Anna Retail Addition, Block A, Lot 8, Site Plan. Applicant: David Claassen- Anna 31 Retail LP
13. Approve a Resolution regarding the Westfield Addition, Block A, Lot 1 & 2, Replat. Applicant : Windmill Self Storage, LP

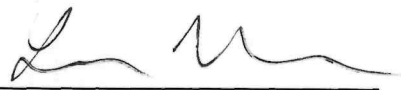
Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary, at 972-924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

Items for Individual Consideration

14. Approve a Resolution regarding the Rosamond Crossing, Block A, Lots 1-11, Preliminary Site Plan. Applicant: MJLA Adams LTD, Anna 18 LLC
15. Continue the Public Hearing/Consider/Discuss/Action on a request to amend an existing Planned Development (Ord. No. 797-2018) on 5± acres located at the northwest corner of Rosamond Parkway and N. Powell Parkway to allow a self-storage (mini-warehouse) and child-care center/nursery school, kindergarten by right. Applicant: Britton Church, Rosamond Powell Investment, LLC
16. Consider/Discuss/Action regarding the Shadowbend Commercial, Block A, Lots 1 -14, Concept Plan. Applicant: Britton Church, Rosamond Powell Investment, LLC
17. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone and zone 1,035± acres generally located at the northwest and northeast corners of W. Rosamond Parkway and U.S. Highway 75 in accordance with Development Agreement (Res. No. 2024-05-1621). Zoned Planned Development (Ord. No. 537-2011) and located within the Extraterritorial Jurisdiction (ETJ). Applicant: The Thornton Family Trust, Liberty 800 LP, Liberty 75, Jay P and Irene C Janis, Janis Real Estate LLC

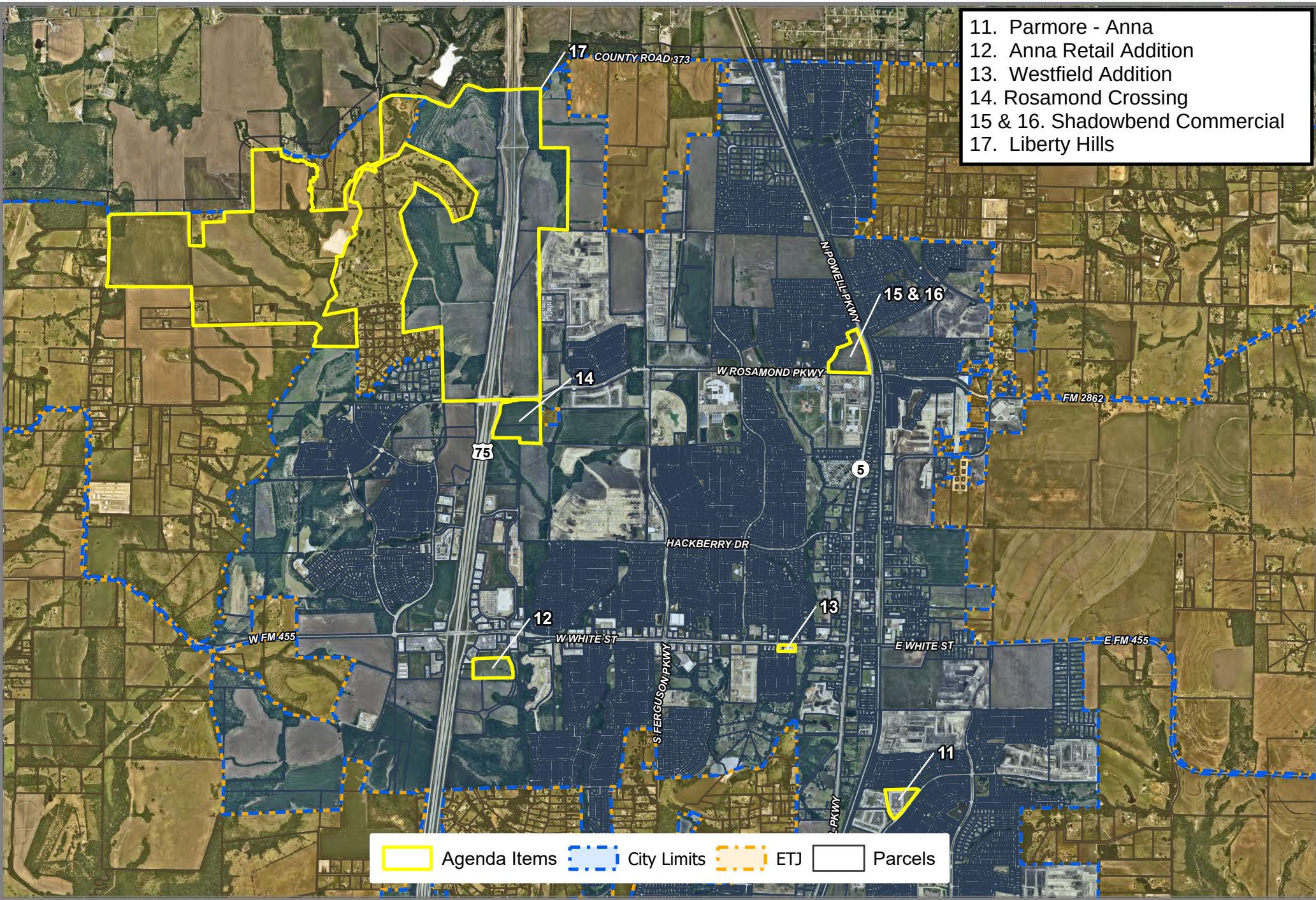
Items for Future Discussion Adjourn

This is to certify that I, Lauren Mecke, Planning Manager, verify that this agenda was posted on the City's website (www.annatexas.gov) and at the Anna Municipal Complex bulletin board at or before 6:00 PM 06/28/2024.



Lauren Mecke
Planning Manager

11. Parmore - Anna
12. Anna Retail Addition
13. Westfield Addition
14. Rosamond Crossing
- 15 & 16. Shadowbend Commercial
17. Liberty Hills



City of Anna, July 1, 2024 Planning & Zoning Meeting Map

Source: City of Anna GIS
Date: 6/28/2024

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Anna. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Anna, its officials or employees for any discrepancies, errors, or variances which may exist.

THE CITY OF
Anna



Item No. 5.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Elect the Planning & Zoning Commission Chairperson.

SUMMARY:

In accordance with the City Charter, Article 9.04 Zoning Ordinance, & Article 9.07 Tree Preservation, every year a chairperson must be elected.

The Capital Improvements Advisory Committee will be voted on during the Wednesday, September 4, 2024 Planning & Zoning Commission meeting.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:



Item No. 6.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Elect the Planning & Zoning Commission Vice-Chairman.

SUMMARY:

In accordance with the City Charter, Article 9.04 Zoning Ordinance, & Article 9.07 Tree Preservation, every year a chairperson must be elected.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:



Item No. 7.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Elect the Planning & Zoning Commission Secretary.

SUMMARY:

In accordance with the City Charter, Article 9.04 Zoning Ordinance, & Article 9.07 Tree Preservation, every year a secretary must be elected.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Planning & Zoning Commission has elected for Planning Staff to act as the Commission Secretary in recent years.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:



Item No. 8.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Review/Discuss/Action on Planning & Zoning Commission Rules of Procedure.

SUMMARY:

In accordance with the City Charter, the Planning & Zoning Commission must review the rules of procedure annually.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

This is the opportunity if the Commission would like to discuss the upcoming calendar, rules of procedure, or any questions you might have.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. 2025 submittal calendar
2. P&Z Complete info packet 2024-06-28

2025 - ZONING, PLAN, AND PLAT SUBMITTAL CALENDAR

ENGINEERING CIVILS SUBMITTAL DATE	*PLANNING SUBMITTAL DATE	1ST REVIEW MEETING (STAFF)	STAFF COMMENTS AVAILABLE	**CORRECTED PLANS RETURNED	P&Z DATE	ZONING PUBLIC HEARING NOTICES (STAFF)	***CITY COUNCIL DATE
Due the 4 th Thursday of every month	<i>1st Wednesday following a regularly scheduled P&Z meeting</i>		2 nd Monday after submittal	3 rd Monday after submittal	1st Monday of the month	18 days prior to CC Date (15 days Required)	4th Tuesday of the month
Nov 27, 2024 (Wednesday)	Dec 9, 2024 (Monday)	12/13/24	12/16/24	12/23/24	Jan 6, 2025	01/10/25	01/28/25
Dec 26, 2024	Jan 8, 2025	01/17/25	01/20/25	01/27/2025	Feb 3, 2025	02/07/25	02/25/25
Jan 23, 2025	Feb 5, 2025	02/14/25	02/17/25	02/24/25	Mar 3, 2025	03/06/25	03/25/25
Feb 27, 2025	Mar 5, 2025	03/14/25	03/17/25	03/24/25	Apr 7, 2025	04/04/25	04/22/25
March 27, 2025	Apr 9, 2025	04/17/25 (Thursday)	04/21/25	04/28/25	May 5, 2025	05/09/25	05/27/25
April 24, 2025	May 7, 2025	05/16/25	05/19/25	05/26/25	Jun 2, 2025	06/06/25	06/24/25
May 22, 2025	Jun 4, 2025	06/13/25	06/16/25	06/23/25	Jul 7, 2025	07/03/25	07/22/25
Jun 26, 2025	Jul 9, 2025	07/18/25	07/21/25	07/28/25	Aug 4, 2025	08/08/25	08/26/25
Jul 24, 2025	Aug 6, 2025	08/15/25	08/18/25	08/25/25	Sep 9, 2025 (Wednesday)	09/05/25	09/23/25
Aug 28, 2025	Sep 10, 2025	09/19/25	09/22/25	09/29/25	Oct 6, 2025	10/10/25	10/28/25
Sept 25, 2025	Oct 8, 2025	10/17/25	10/20/25	10/27/25	Nov 3, 2025	11/20/25	12/09/25
Oct 23, 2025	Nov 5, 2025	11/14/25	11/17/25	11/24/25	Dec 1, 2025	12/22/25 (Monday)	01/13/25
Nov 27, 2025	Dec 3, 2025	12/12/25	12/15/25	12/22/25	Jan 5, 2026	01/09/26	01/27/26
Dec 23, 2025 (Wednesday)	Jan 7, 2026	01/16/25	01/19/25	01/26/26	Feb 2, 2026	02/06/26	02/24/26

All dates are tentative and may be adjusted for holidays, meeting cancellations, etc.

*No later than 11:00 A.M. on the submittal day.

**Corrected plans MUST be returned to Planning by 11:00 A.M.

*** Annexations, Specific Use Permit, & Zoning Cases, go to the second Council meeting to meet state required public notices.

PLANNING & ZONING COMMISSION



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Meetings and Work Sessions

The Planning & Zoning Commission meets the first Monday of every month. Meetings are held at the Anna City Hall, located at 120 W Seventh Street in Anna, Texas unless otherwise stated.

Roles and Responsibilities

The seven members of the Planning & Zoning Commission (Commission) serve two-year terms. The Commission evaluates certain applications including site plans and plats for new development projects and makes recommendations to the Anna City Council. In addition, the Commission regularly holds public hearings and makes recommendations to Council on zoning and rezoning applications, including amendments to zoning regulations. The Commission is also involved in the process of updated the City's Comprehensive Plan.

Commissioner	Date Original Appointment	Date Reappointed	Present Term Expires
Staci Martin	June 2022 (Filled unexpired term)	June 2023	May 2025
David Nylec	May 2022	June 2024	May 2026
Jessica Walden	June 2023		May 2025
Douglas J. Hermann	May 2022	June 2024	May 2026
Vacant - Unexpired Term	June 2023		May 2025
Josh Vollmer	June 2024		May 2026
Matthew Blanscet	June 2023		May 2025

City Council Liaisons

The Council Liaisons observe the activities of the Commission to stay informed and provide a resource at Council meetings.

Staff Liaisons & Additional Staff Contacts

The Staff Liaison is your point of contact regarding the Commission.

Council Liaisons	Staff Liaison
Kelly Patterson-Herndon	Lauren Mecke, Planning Manager LMECKE@annatexas.gov
	Stephanie Scott-Sims, Director of Development Services SSCOTTSIMS@annatexas.gov

BASIC INFORMATION FOR COMMISSION



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Additional Meetings as Required

- Called work sessions on Comprehensive Plan, special projects or ordinance amendments
- Training sessions for members on general topics
- Days may be chosen depending on commissioners' schedules. All work sessions are held at City Hall in the Council Chambers.

Retreats/Conferences with City Council

- Annual half-day retreats or special topic conferences may be held with City Council. The retreats are used for teambuilding activities and discussion of general issues not related to specific development cases or projects.

General Information

- The Planning & Zoning Commission typically meets the first Monday of every month and a schedule is created annually.
- Meetings generally end by 9:00 pm; however, they can last until midnight.
- Attendance at each meeting is noted and forwarded to the City Council. E-mail your liaison if you are unable to attend.
- Reporters from local news agencies may attend meetings and may contact commissioners.

Preparation Time for Regular Meetings

- The agenda packet is made available on-line on Friday afternoon/evening prior to the Monday evening meeting. An email is sent to Commissioners when the packet has been uploaded to the City's website.
- Approximate amount of time it may take to read packet and make notes: one to two hours.
- Approximate amount of time it may take to visit sites of concern prior to meeting: one to two hours.

Preparation Time for Additional Meetings

- Approximate amount of time it may take to read information on proposed ordinance amendments and other issues, and make notes: one to three hours.

PRACTICE TIPS FOR COMMISSIONERS



Zoning Cases

- Discretion:* Broad but must have reasonable basis
- Always:* Consider **land use** appropriate for the various districts and make uniform and logical decisions.
- Never:* Make decisions that are arbitrary and capricious. Avoid "spot zoning" – zoning which varies or makes exception for particular tracts of land without justification based on the legitimate goal of promotion of health, safety, and welfare.

Zoning is "The division of a jurisdiction into districts within a jurisdiction within which permissible uses are prescribed and restrictions on building height, bulk, layout and other requirements are defined." There are two basic types of zoning petitions: changes to a property's zoning classification and amendments to the zoning ordinance text.

Special Types of Zoning

- Planned Development Districts
- Specific Use Permits

Actions on Zoning Petitions

- Public Hearings are held by both the City Council and Planning & Zoning Commission
- Planning & Zoning Commission provides a recommendation to City Council
- Legislative Action, not an administrative action
- Reasonable discretion in making decisions on zoning petitions
- May take into account testimony of the public and facts presented in the public hearings
- Regulations must rationally and reasonably advance a legitimate government purpose

Remember:

1. Land Use. Zoning is a land use issue. Decisions should be based on the legal designation of land or real property for a particular use such as commercial, industrial or residential.
2. Consider the comprehensive plan and City of Anna strategic plan when making zoning decisions. The comprehensive plan is intended to guide the future growth and physical development of a community by providing for the distribution and relationship of various land uses. The strategic plan identifies value-based principles that describe the preferred future in 15 years.
3. Specific Use Permits should only be utilized in limited situations when a land use may be appropriate in a certain location in a zoning district but not in all locations.

PRACTICE TIPS FOR COMMISSIONERS



4. Planned Development Zoning is intended to provide for combining and mixing of uses with appropriate regulations allowing flexibility in the use and design standards in situations where modification are not contrary to the intent and purpose or inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. Planned developments should not be used as a backdoor means to grant a variance.

Development Application Review (Site Plans/Plats)

Discretion: Extremely Limited

Always: Approve if it meets requirements in the plan/plat checklists and city regulations.

Never: Impose conditions greater than required by the code.

The site plan and plat process govern land development in the city. Developers must receive approval of these plans to begin development and/or sell properties.

Site Plan

The site plan review process is governed by the Zoning Ordinance and has two steps and includes the following types of plans:

- *Concept Plan
- Site Plan

Plats

The platting process is governed by the Subdivision Ordinance. There are several types of plats that the Council and Commission may review and approve:

- Preliminary Plat/Preliminary Replat
- Final Plat/Replat
- Development Plat
- Minor Plat
- Amending Plat

Commission's Actions on Site Plans and Plats

The Commission's actions on site plans and plats are considered administrative and ministerial in nature. As such, the Commission must approve these documents if they conform to all the city's ordinances and requirements. The Commission may not impose additional requirements and cannot deny a site plan or plat based on homeowner opposition.

Remember:

1. Utilize staff's expertise when decisions are based on health and safety issues, and make a record based on relevant evidence.
2. Generalized complaints by local residents are insufficient to justify denial of an application.

PRACTICE TIPS FOR COMMISSIONERS



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3. Meetings between the developers and homeowners can be requested but cannot be required. Denial of the application cannot be based on the developer's refusal to meet with homeowners.
 4. Approval cannot be withheld solely on conclusory allegations that the subdivision or site plan is not consistent with the character of the neighborhood if the plans meet all the applicable code requirements.
 5. If it meets the standards contained in the code regulations, the Commission must approve the application.

**Concept Plans are only required in establishing a Planned Development district. Concept Plans are required to meet the city's ordinances and requirements as part of the zoning request.*

Rules & Procedures for Commissioners



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ADOPTED NOVEMBER 9, 2010

RESOLUTION NO. 2010-11-05

Purpose

The City Council of the City of Anna, Texas ("City Council"), recognizes that it is desirable for there to be a uniform set of rules of procedure for conducting meetings of the City Council, boards and commission appointed by the City Council, and the business of the City Council and said boards and commissions in a sound and efficient manner;

Definitions

- (a) Governing Body means the City Council of the City of Anna, Texas or any board or commission whose members are appointed by the City Council.
- (b) Presiding Officer means the member of the Governing Body authorized to preside over official meetings of the Governing Body. The Mayor is the Presiding Officer at all City Council meetings. The Mayor Pro-tem or Deputy Mayor Pro-tem presides in the absence of the Mayor. Meetings of boards and commissions appointed by the City Council are presided over by a chairperson or president. The Vice Chairperson or Vice President presides in the absence of the Chairperson or President. The member of the Governing Body present with the longest tenure shall preside in the absence of any other Presiding Officer. In such cases, if two or more members of the Governing Body present have equal tenure, then the Presiding Officer shall be determined by the alphabetical order of the last names of the members with equal tenure.

Agendas

- (a) Unless otherwise provided in a Resolution or Bylaws approved by the City Council, the City Manager or the City Manager's designee shall set the agenda for all meetings of the Governing Body as prescribed in City Council Resolution 2008-01-04.
- (b) Regular city council meeting agendas will include a "Public Comment" item. Under this item, members of the audience at the council meeting are permitted to address any topic relating to City business operations. The following procedures will be followed:
 - The speaker will state his/her name and address for the record
 - Remarks will be limited to three (3) minutes
 - The speaker may address the council only one time.

Rules & Procedures for Commissioners



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The Governing Body will not respond to questions or comments by the speaker, except a member may respond by making: (1) a statement of specific factual information given in response to an inquiry; (2) a recitation of existing policy in response to an inquiry.

Role of the Presiding Officer

The Presiding Officer shall fulfill the following duties:

- (a) Opens the meeting on time, announces the presence of a quorum, and sees to it that the meeting follows the agenda, and all discussions are focused on agenda items.
- (b) Keeps discussions focused on the matter at hand.
- (c) Sees to it that all major issues are brought to the floor in the form of a motion. The Presiding Officer shall allow additional discussion on a motion once made only after a motion is seconded. If no one seconds a motion made during a meeting, it dies for lack of support.
- (d) Uses reasonable measures to keep meetings from becoming unreasonably long.
- (e) If discussion wanders or becomes confused, the Presiding Officer calls people's attention to the motion on the floor as a way of refocusing discussion. If it is clear from the discussion that a decision will not be made within a reasonable period of time during the meeting, the Presiding Officer may ask for a motion to table the issue to a later meeting.
- (f) The Presiding Officer may authorize a member of the public to speak regarding a duly noticed agenda item under appropriate circumstances and shall ask the speaker to limit remarks to 3 minutes.

Rules for Discussion and Debate

- (a) Direct all remarks to the Presiding Officer, and only after being recognized by the Presiding Officer. Only one member of the Governing Body may speak at a time and must do so at a volume that is audible to the other members and other attendees of the meeting. There shall be no side discussion or debate during a meeting.
- (b) A member of the Governing Body shall stop speaking when the Presiding Officer finds it necessary to speak but may seek to be recognized to continue to speak.

Rules & Procedures for Commissioners



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- (c) A member of the Governing Body shall confine remarks to the issue being discussed and shall not communicate with members of the audience unless: (1) it is during a public hearing and the member is addressing an audience member who has been duly authorized to speak; or (2) the Presiding Officer has recognized an audience member to speak and the member of the Governing Body has also been recognized to speak.
- (d) Members of the Governing Body should avoid using other members' names when referring to issues and positions under debate and should avoid attacking other members' motives.
- (e) Members of the Governing Body should avoid personal attacks and offensive comments and shall not use obscene language.
- (f) The Presiding Officer should warn a member about a serious offense the first time it happens (for example—personal attacks, use of obscene language, etc.).
- (g) Any type of recording device, whether audio or video, even if turned off, may not be taken into a room or area where any part of an executive session discussion is being held.

Rules for Public Hearings

- (a) Public hearings will be conducted as follows:
 - (1) The Presiding Officer or Presiding Officer's designee will provide a summary report and recommendation as appropriate on the agenda item.
 - (2) The petitioner/applicant, if any will be offered an opportunity to discuss the petition/application prior to other public comment.
 - (3) The petitioner/applicant will state his/her name and address for the record and will be limited to three (3) minutes to discuss the item.
 - (4) Other persons wishing to speak during the public hearing will be offered an opportunity and shall state their name and address for the record.
 - (5) All other persons wishing to speak during the public hearing will be limited to three (3) minutes to discuss the item and may speak only one time on a public hearing item.
 - (6) The petitioner/applicant, if any, will be offered an opportunity to respond to comments or questions from the Governing Body but will be limited to not more than three (3) minutes unless the Presiding Officer permits additional time.

Rules & Procedures for Commissioners



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- (7) If an agenda item does not include a public hearing, it is the discretion of the Presiding Officer to allow public comment. If public comment is permitted, the procedures outlined in this section will pertain.
- (8) The Presiding Officer may change the time allowed to individuals to speak regarding an item on the agenda. However, in order to provide for efficient, effective, and orderly conduct of the meetings, such changes will be allowed only under unusual conditions.

Rules for Motions

(a) Making Motions.

- (1) Maker must be recognized by the Presiding Officer before making a motion.
- (2) Maker then states, "I move..."
- (3) A second to the motion is required.
- (4) The maker of the motion has the right to speak first during the discussion.
- (5) The maker also has the privilege of speaking last before the vote.
- (6) The Presiding Officer recognizes each person before he or she speaks.

(b) Amending Motions

- (1) Maker must be recognized by the Presiding Officer before making a motion to amend.
- (2) To Amend a Motion:
 - a. Requires a second from the member of the Governing Body who seconded the original motion.
 - b. Motion is considered amended upon a second from the member of the Governing Body who seconded the original motion.

(c) Tabled Motions

- (1) Maker must be recognized by the Presiding Officer before making a motion to table.

Rules & Procedures for Commissioners



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(2) To Table a Motion:

- a. Requires a second.
- b. No debate is allowed.
- c. No amendments to the tabling motion can be made.
- d. Majority vote is required to pass the tabling motion.
- e. A motion to table must set a definite date for reconsideration to take place at a duly noticed public meeting.
- f. The City Manager or the City Manager's designee shall place the item on a future agenda in accordance with a motion that tabled the item. At the future meeting upon which the tabled item is placed, the item shall automatically be taken from the table for consideration in accordance with said future agenda.

(d) Motion to Take No Action.

- (1) Maker must be recognized by the Presiding Officer before making a motion to take no action.

(2) Taking No Action:

- a. Requires a second.
- b. The maker of the motion has the right to speak first during the discussion.
- c. The maker also has the privilege of speaking last before the vote.
- d. The Presiding Officer recognizes each person before he or she speaks.

(e) Motion to Adjourn

- (1) Maker must be recognized by Presiding Officer before making a motion to adjourn.

(2) To Adjourn a Meeting:

- a. Requires a second.
- b. Not debatable.
- c. Cannot be amended.

Rules & Procedures for Commissioners



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- d. Majority vote is needed to pass.

Open Meetings Act

Notwithstanding any provision of these rules, all meetings of the Governing Body shall comply with the Texas Open Meetings Act.

Rules of Dress and Decorum

- (a) During all official meetings of the Governing Body, members shall observe a business causal dress code which shall at minimum include the following:
 - (1) Males will wear a colored polo shirt, dress shirt, jeans with no holes or dress slacks. Males shall not wear T-shirts (unless dress T-shirts with a coat or blazer) shorts, opened toed shoes, hats, and non-prescription glasses.
 - (2) Females will wear a colored polo shirt, dress shirt, jeans with no holes or dress slacks, or a skirt, and appropriate dress shoes. Females shall not wear T-shirts (unless dress T-shirts with a coat or blazer) shorts, hats, and non-prescription glasses.
- (b) During official meetings of the Governing Body, members shall not use tobacco products including smokeless tobacco.

SAMPLE AFFIDAVIT

THE STATE OF TEXAS

§

§

COUNTY OF _____

§

I, _____ (*printed name of affiant*), a local public official, make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by an action contemplated by the City of _____

The business entity or real property in which I have a substantial interest is: [*name and address of business and/or description of property*] _____

I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons [*circle all that apply*]:

- (1) own 10% or more of the voting stock or shares of the business entity;
- (2) own 10% or more of the fair market value of the business entity;
- (3) own \$15,000 or more of the fair market value of the business entity;
- (4) receive from the business entity funds that exceed 10% of _____ [*my, his, her*] gross income for the previous year;
- (5) have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

Upon filing of this affidavit with the official record keeper of the city, I affirm that I shall abstain from voting or further participating in any matter involving the business entity or real property, unless allowed by law.

Signed this _____ day of _____, 20____

Signature of Affiant

Affiant

BEFORE ME, the undersigned authority, this day personally appeared _____ [*name of affiant*] and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME before me on this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My commission expires: _____

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Chapter 2 Ethics and the Planning Commissioner

Carol Barrett, FAICP



This chapter discusses and provides examples of how a Planning Commissioner can make complex decisions while being fair, equitable, and ethical. It provides information on the sources for ethical guidelines, particularly for the code of ethics and local ordinances. It establishes a framework and foundation for ethical planning officials and provides background on Texas law, in regards to conflict of interest. It defines common biases that impact ethical behavior and point to serious concerns about ethical misconduct. Specifically, in this chapter you will learn whether you can meet individually with applicants to hear about their project, whether you should take a tour of a project site with an applicant, if you can discuss pending development projects at your neighborhood association meeting, if friends and neighbors can offer their opinions about pending projects, what to do if a good friend has a project before the Planning Commission, and to do the job of a Planning Commissioner in a way that promotes fairness and objectivity. The following attachments are available at the end of the chapter to be used as reference guides and resources:

Attachment A: Ethical Principles in Planning, AICP

Attachment B: AICP Code of Ethics and Professional Conduct

Attachment C: By-laws for Planning and Zoning Commission, City of Collinsville, TX

Attachment D: Planning and Zoning Commission: Participating at Public Hearings, City of Arlington

Attachment E: Example Planning Commission Meeting Brochure, City of San Gabriel

Attachment F: Public Services Values, The Institute for Local Government



INTRODUCTION

“A prominent example of the appearance of a conflict came this past June when a planning commissioner recused herself, left the dais, then presented on a project to her colleagues. She said she had no recourse, since she is the only employee of her firm.”

Yikes. The sentence above comes from a local newspaper recounting a series of on-going ethical lapses in a City. In this instance, applicants may well perceive a “pay to play” rule. If you want favorable consideration by the Planning Commission, you have to pay a Commissioner or the Commissioner’s firm. This kind of behavior is wrong for a number of reasons which are discussed below. While an extreme example, it is not an isolated one. Planning Commissioners regularly face ethical questions. Thinking about those ethical questions and possible responses ahead of time prepares you to make an informed decision when confronted with an ethical challenge. That’s the

The purpose of this chapter is to give you tools for ethical decision-making

purpose of this chapter: to give you tools for ethical decision-making.

Let’s step back for a second. What is ethical behavior? Expressed in a straightforward manner, ethical behavior is what you ought to do as a Planning Commissioner. It’s treating others as you would wish to be treated. It’s the kind of conduct that makes the world a better place.

Ethics is particularly important in public service. As a Planning Commissioner, you have been given significant authority and you are expected to use that authority with integrity. You make decisions about what can and cannot happen in your community. You make recommendations about how to spend city money, some of which comes from local taxpayers. If the Planning Commission is to do its job properly and address the challenges confronting most communities, public trust and confidence is vital. High ethical standards are required to secure and maintain public trust that is essential to the planning process and to good government.

What are common ethical questions that Commissioners need to answer?

- Can I meet individually with applicants to hear about their project?
- Should I take a tour of a project site with an applicant?
- Can I discuss pending development projects at my neighborhood association meeting?
- Can friends and neighbors offer me their opinions about pending projects?
- What happens when my best friend has a project before the Planning Commission?
- How can I do my job as a Planning Commissioner in a way that promotes fairness and objectivity?



SOURCES FOR ETHICAL GUIDELINES

Most planning officials often operate according to an unwritten, personal code of ethics. As a new planning commissioner, you know yourself to be honest in your day-to-day dealings with friends and family and you are reliable in your professional life as well. Therefore, you assume that the way you deal with ethical questions that come up as a planning commissioner will be honest as well. Most people have convictions about what is right and wrong based on religious beliefs, culture, family teachings, lessons learned in life, laws, and habits. These values may vary among your fellow commissioners. For example, loyalty to friends and family may conflict with one's responsibility to serve the public interest. Religious beliefs and culture are also a source of continuous historical disagreement over all kinds of matters. To help your Planning Commission operate consistently and fairly, a more uniform frame of reference is needed.

Codes of Ethics

This chapter can help you understand some of the more universal behavior standards for planners and planning officials so you are better prepared to think through what your response should be when ethical issues arise. The American Planning Association has adopted a Statement of Ethical Principles to help planning officials understand basic ethical expectations (See Attachment A). This Statement was prepared and adopted to provide guidance to planning officials. There is also a Code of Ethics for professional planners who have passed an examination and are members of the American Institute of Certified Planners. Their Code is also included for your reference as Attachment B. Finally, as a planning commissioner you will work with professionals from various disciplines – architects, engineers, and landscape architects for example. Like the planners, each profession has a Code of Ethics. They are not all attached here but can easily be researched on line.

Local Ordinances

In many communities and some states, there are adopted ordinances and laws governing aspects of the conduct of Planning Commissioners, especially with respect to conflict-of-interest. These materials should be provided to you by staff and covered in regular training so that you are familiar with them.



The general conflict of interest laws for Texas city officials are found in chapter 171 of the Local Government Code. It includes standards for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item. Chapter 171 conflict of interest provisions apply to all local public officials which includes planning commissioners. The Office of the Attorney General has an excellent publication that you can download from the internet. Commissioners should remember that these state requirements define the legal minimum, not what may be ethical.

General conflict of interest laws are found in chapter 171 of the Local Government Code

LAYING THE GROUNDWORK FOR ETHICAL PLANNING OFFICIALS

Serving as a planning official is not easy, especially in the face of public cynicism regarding the motives of community leaders. And then there are all the newspaper articles documenting various degrees of incompetence or corruption in the public sector. Some people will automatically assume that a level of malfeasance applies to you as a commissioner as well. Plus, your work as a commissioner is hard. You have to prepare for meetings by visiting sites and studying agenda packets which arrive only days before the meeting. You have to attend meetings which can run on for hours and listen to criticism, some of which may be ugly and very personal. But there are things that you and your community can do to help shape the public's perception about the values which underlay your decisions as a commissioner.

Elected Officials Should Appoint Good Planning Commissioners

A good Planning Commissioner is more than someone who can avoid financial conflicts of interest. A good commissioner knows a lot about the community and brings special expertise to the Commission. A good Commissioner should also have:

- An open mind to listen to new ideas from applicants, from other commissioners, and from staff.
- An ability to see both the strengths and weaknesses of the proposals.
- Critical thinking skills leading toward finding solutions.



- A willingness to spend the time required to study materials.
- An ability to manage other commitments so that attendance is regular.
- A commitment to making the process fair to all.
- A degree of independence in making choices and recommendations.
- Faith in the future and the ability of the community to shape that future.

Once you are a Planning Commissioner, you can help the elected officials to make good appointments by serving as a talent scout. You should be on the lookout for others in your community who would make good commissioners and share that information with your Mayor or planning director.

Planning Commissioners Should Have Regular Training

All new commissioners need an extended orientation to the work of the commission and the status of planning and development in your community. There should also be an ethics component of that training as well. An annual training event focused on the specific challenges in your community should be something you can request and help plan. Ethics should always be included among the topics to be covered. The community should budget to send planning commissioners to training sponsored by the Texas Chapter or other organizations whose work is relevant to your efforts as a volunteer.

If you are having problems as a Commission because one or more of your fellow Commissioners are not pulling their own weight, you can suggest training for the entire Commission that will make clear the expectations for conduct and effort. Working with your planning director can help make the training productive and relevant. In many cases, there are often other Planning Commissioners from nearby jurisdictions who can help set the ground rules and expectations. And the voice of a colleague always carries great weight. If your Planning Director doesn't have suggestions, the Texas Chapter will. The Chapter can be contacted online at <http://www.txplanning.org/>.

Planning Commissions Should Have Ground Rules

Every commission needs bylaws, written rules of procedures, and a statement of the ethical principles which will guide their work. Together, these documents provide assurance that everyone who interacts with the commission has rights -- due process, fairness, and equity. By-laws and rules of procedure tell people what to expect and help make work with the planning bodies more productive. They also set the benchmark for fair, ethical, and prompt deci-

*Everyone has
the right to due
process,
fairness, and
equity*



sions. If the process itself appears fair, there will be a much higher degree of confidence in the decision itself. By-laws and public hearing procedures from the City of Collinsville (Attachment C) are provided for your information.

It is also useful to community members to have an easy reference guide for how meetings will work written so that it can be easily understood. If you have this kind of information readily available, it will encourage the community to understand that you value their ideas and that the process is arranged so that they have an opportunity to make their point of view known. A sample Arlington, Texas (Attachment D) and one from the City of San Gabriel, California (Attachment E). The latter is always at the table outside the meeting room with agendas and includes background information on the Planning Commission as well as public hearing testimony procedures.

Finally, on evenings when there will be public hearings, the Commission Chair (or his/her designee) can briefly review the procedures so that those in attendance understand when they will be able to speak. All of this effort is directed toward making the work of the Commission transparent which is a core ethical value for public sector decision-making.

Planning Staff Should Use Standard Planning Procedures to Ensure Full, Open Consideration

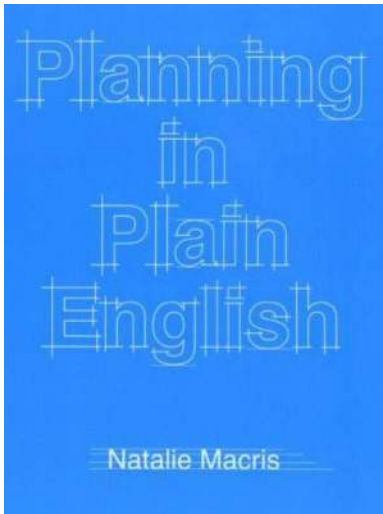
Standard planning procedures help planning commissioners do their job in an ethical manner. Standard procedures also help ensure that issues will be properly aired without undue influence either in fact, or in appearance. That is a key component of ensuring the reputation of your Commission – it must both act fairly and be perceived as acting fairly.

Standard procedures lay out information that the applicant can rely on in moving a project forward; and that makes it clear to the community how and when they will be able to participate in the deliberative process. The value of transparency – the public can see and participate in what is going on – is best achieved through standard procedures. Planning Commissions should operate from posted agendas (a staff responsibility to prepare and post) and follow those agenda. Following the agenda is important because of the right of the public to address the Planning Commission. If items are taken up in a random order it makes it hard to know when to come to the meeting. That doesn't mean that the agenda can't be revised at the meeting itself. For example, if a larger number of citizens are in attendance for a single agenda item,



American Planning Association
Texas Chapter

A Guide to Urban Planning in Texas Communities 2013



From time to time, even the best planners lapse into plannerspeak which is not always completely intelligible in staff reports. See below.

Version 1: It is the determination of City staff that there is a possibility of associated increases in traffic noise if this project is approved and constructed.

Version 2: City staff believe this project will increase traffic noise.

This example is from *Planning in Plain English* by Natalie Macris. It should be required reading in every planning agency.

then the Commission is likely to move that item up earlier in the meeting to allow the community to participate and get home earlier. Another aspect of agenda management is the language used to describe the work to be done. You and staff can work together to make the agenda as straightforward as possible. Here is an example:

PRJ12-00276 – ZON12-00043. APPLICANT: ORANGE COUNTY EMERGENCY PET CLINIC; PROPERTY OWNER: JEFFREY I. GOLDEN.

A request for a Conditional Use Permit to operate an after-hours emergency pet clinic per FMC 15.30.030 on property located at 3920 N. Harbor Boulevard (generally located between 420 feet and 520 feet south of Imperial Highway). (C-2- zone) (Staff Planner: Elaine Dove)

← This is a clear project description

← How do I contact the planner if I have questions?

Here is another example which also has some good aspects but still needs a bit more work as noted.

Rezoning: C814-2012-0160 – 211 S. Lamar

Location: 211 S. Lamar Boulevard, Lady Bird Lake Watershed, South Lamar

Combined NPA

Owner/Applicant: Post Paggi, LLC (Jason Post)

Agent: Winstead PC (Amanda Swor)

Request: CS & CS-V to PUD

Staff Rec.: Recommended

Staff: Lee Heckman, 512-974-7604,
lee.heckman@austintexas.gov
Planning and Development Review
Department

← What do the letters "NPA, CS & CS-V to PUD" stand for?

← Noting the staff recommendation is useful

← Including staff contact information is very helpful

In general, the Commissioners can only discuss and act on items included in the posted agenda. Commissioners can ask to have items added to the agenda. In fact, "Items from the Commission" should be a regular item on your agenda so that everyone is reminded of this opportunity.



Example: A resident comes to the podium during citizen comment to report that the conditions of approval for a project are not being adhered to and that the quality of life for the residents on her block has been substantially degraded as a result of the Planning Commission approval several months ago. She demands that the Commission do something to solve the problem immediately because, in her mind, the Commission caused the problem and she needs her sleep.

Answer: Commissioners should refrain from discussing the project by asking for examples of problems and considering whether the conditions of approval are being met. Instead the Commission can thank the citizen, ask staff to meet with the citizen, and place the item on an upcoming agenda for more detailed consideration. Staff should be encouraged to work directly with the applicant to address the issues of concern as soon as possible.

Standard procedures also include the quality of staff work and the schedule for planning commission packet delivery. If commissioners are expected to provide thorough and diligent services, they need relevant information on a timely basis. If the commissioners seek to support community involvement in planning, then the work has to be organized so that residents can find out what is going on and can make their points of view known. You should feel free to suggest to staff ways to organize and present the information so that it is useful to your decision-making. If you look at the web sites of other cities, you may see ideas for staff reports that you like. And don't hesitate to request that staff reports be written in plain English.

Commissioners should be able to request information that will supplement staff work when they have questions. All such information should be provided to all of the Commissioners, even when requested only by one. You will have a better decision-making process if you ask your questions ahead of time so that staff can do the necessary research. Of course you can ask questions of both staff and applicants at the meeting, but if you wait to raise major issues until the public hearing, you may well end up delaying action when that is not your intention. When information is distributed for the first time during the public hearing, copies should be made available to the public.

ACTING ETHICALLY: Planning Commissions Should Know Where Ethical Guidance Can Be Found

Ethical standards for planners and planning officials have been promulgated by the American Planning Association and the American Institute of Cer-

Ethics ordinances tend to regulate:

1. Activities that require disclosure such as sources of income

2. Behavior that is prohibited



tified Planners. The text of both is attached. There may also be local ethics ordinances which regulate behavior and although these may pertain to the planning commission. Ethics ordinances tend to regulate two things: activities that require disclosure such as sources of income; and behavior that is prohibited. There may be quite a bit of overlap between the standards of the APA and local ordinances. For example, a prohibition against soliciting or accepting gifts is a common element.

Example: Can a planning commissioner accept a bottle of wine as winter holiday thank you from a local architect?

Answer: Yes. Commissioners should not solicit or accept items of a value great enough to affect their judgment. Items that can easily be consumed fall outside of influencing behavior. The prohibition against taking gifts applies in the circumstances where a reasonable person might think the commissioner's judgment had been impaired. A single bottle of wine is only a token. However, if the architect had a project pending before the Commission, even a single bottle should not be accepted.

Example: Can a planning commissioner accept a case of wine as a winter holiday thank you from a local architect?

Answer: No. See above.

Example: Can a planning commissioner accept two free weeks at a local developer's condo on the beach in California?

Answer: No. See above. Accepting such a posh offer would leave people with the impression that you were indebted to the developer and that your decisions would be affected by your sense of owing something to another person.



Check out the Attorney General's website at www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf for more information.

State Law in Texas Regulates Conflicts of Interest

Planning Commissioners need to be familiar with Chapter 171 of Texas Local Government Code. It governs the conduct of planning officials who make decisions that are more than advisory. The law addresses potential conflicts of interest by local officials. The law seeks to prevent public officials from having dealings with their governmental bodies if they would derive a personal benefit. The law requires disclosure and abstention when it is time to vote if there is a substantial financial interest.

Texas Local Government Code Chapter 171 defines substantial interest as:

(a) Owning 10% or more of the voting stock or shares or an ownership of



- \$15,000 or more of the fair market value of the business;
- (b) Receiving funds from the business exceeding 10 percent of the commissioner's gross income from the previous year;
- (c) Having an interest in real property that is either equitable or legal ownership with a fair market value of \$2500 or more;
- (d) Being related by marriage or ancestry or affinity to someone who has an interest as described above.

The national codes of APA and AICP also address conflict of interest, but call for a higher standard — even the appearance of a conflict of interest should be avoided. Sources of financial conflict-of-interest can also include loans and gifts as well as a less than direct financial benefit.

Example: A realtor sits on the Planning Commission and from time-to-time, his broker appears before the Planning Commission to seek a zoning change on behalf of a client. Can the realtor vote on these requests?

Answer: According to the APA's Statement of Ethical Principles, because securing a change in the zoning is often a contract contingency, the realtor has a financial interest in working for a successful broker. The realtor should declare the potential conflict of interest and not participate in the discussion. However, according to Texas Law, this would not be a conflict of interest.

But laws are only minimum standards. The laws define what one must (or must not) do, not what one ought to do.

Sometimes Planning Commissioners overlook disclosure obligations related to charitable fundraising. The theory is that the public has a right to know if someone is contributing to your favorite causes. The assumption is that the donations are made to establish a special relationship with you. Or worse, what if a donor believes that if she or he fails to give, there will be negative consequences? As a Planning Commissioner, you need to be sensitive to these issues. Charitable donations can also be viewed as a version of "pay to play." That perception is damaging to the public's faith in the fairness of your decision-making.

Planning Commissions Should Adopt Ethical Standards

Your community should know that you have ethical principles that will be used in decision-making. These standards may already be in place (local ordinances and charter) or you may need to draft and adopt them. The APA

Additional guidance can also be derived from your local ethics ordinances. In the case of one Texas city, the Municipal Code states:

It is the policy of the City of that all city officials and employees shall act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust for their integrity, impartiality or of their devotion to the best interest of the City and the public trust which it holds.

That kind of a standard would prohibit voting by the realtor in a rezoning request made by his or her broker.



Statement of Ethical Principles has already been suggested for consideration. In summary, the Statement identifies the following ethical principles:

A. Serve the public interest.

1. Recognize the rights of citizens to participate in planning decisions.
2. Give citizens full, clear, and accurate information.
3. Expand choice and opportunity for all persons.
4. Assist in the clarification of community goals.
5. Ensure that information available to decision makers is also available to the public.
6. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Strive to achieve high standards of integrity and proficiency.

1. Exercise fair, independent, and honest judgment.
2. Publicly disclose any personal interests.
3. Define personal interest broadly.
4. Abstain from participation in a matter in which you have a personal interest and leave the chamber when the matter is being deliberated.
5. Seek no gifts or favors.
6. Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.
7. Serve as advocates only when the objectives are legal and serve the public interest.
8. Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker except after full disclosure and in no circumstance earlier than one year following termination of the role as advisory or decision maker.
9. Not use confidential information to further a personal interest.
10. Not disclose confidential information.
11. Not misrepresent facts or distort information.
12. Not participate in any matter unless prepared.
13. Respect the rights of all persons.

These principles are aspirational in nature and they seek to inspire voluntary commitment through appeals to conscience. They are a positive obligation. There are no sanctions for failing to comply nor is there any regulatory scheme.



If APA's Statement seems too detailed for your community, you can always consider something shorter. A quick check of the web will turn up a number of examples. Another example is provided in Attachment F. It deals in behavior and not outcomes and includes no prohibitions. Instead, it focuses how one behaves based on values. Adoption of this type of an ethics statement could promote healthy dialogue among the Commission. At the other end of the continuum we have the following statement adopted by another Planning Commission as their own version of a Statement of Ethical Principles:

We listen carefully to applicants and the community while collaborating effectively with staff to achieve sound decisions and recommendations to the City Council. We demonstrate a commitment to the highest standards of fairness and honesty.

In reality, the actual language finally adopted is less important than the discussion that will surround the adoption. A conversation with planning colleagues will clarify points of differing interpretation. Adopting ethical standards will also advise the community that there are principles upon which they can rely. Indirectly, you will be putting people on notice that certain forms of conduct are not acceptable. Finally, once you have an adopted statement of ethical principles, it can easily eliminate the need for debate about personalities or individual proclivities. A short statement can simply be made referring to the adopted Statement and how it either encourages or precludes certain forms of conduct.

The Decisions Made by Planning Commissions Should Reflect the Adopted Ethical Principles

Planning commissions should be attentive to every point of view laid out at a commission meeting: property owner rights; equitable procedures; opinions of residents; and sustaining the environment, etc. To sort through the plethora of information and arrive at the best decision, the commissioner needs to ask herself "What decision will promote the entire community's best interest over time?"

The commissioner needs to ask herself "What decision will promote the entire community's best interest over time?"

Commissioners should also be attentive to the integrity of the planning process. Decisions should be based upon full information. This information should be discussed in an open forum where it can be debated. Certainly planning reports, studies, and other records should be available to persons on either (or any) side of an issue. Other meetings or communications a commissioner may have received which are related to a proposed decision must be



noted at a public hearing to ensure full information, comments, and rebuttals as appropriate. If a Commission conducts its business in a consistent and open manner, then the community will have more faith in the process.

Applicants Deserve Fair Decisions Made in an Un-biased Manner

Basic common law provides that Commissioners exercise the power of office for the benefit of the public and not for their private interests. The Constitution lays out due process principles that require the decision-makers to be fair and impartial when sitting in a quasi-judicial capacity on matters such as variances which require findings to be made.

What constitutes bias? Bias arises from having a personal or financial interest in the outcome. For example, one court found a council member was biased and should not have participated in a decision about new construction which would block the member's view of the ocean. There could be a personal bias based on well-known animosity toward an individual. Strong personal loyalty could also constitute a bias. If, for example, your best friend since kindergarten applied for a variance to the setbacks for her home, you could be perceived as biased in favor of the proposal. Another form of bias could come from your belief system or ideology. A Commissioner might find a proposal to approve a Conditional Use Permit for a Planned Parenthood clinic provoking a strong reaction if the Commissioner opposed education about contraception for teenagers or abortions. Another form of bias can result when information received outside of the meeting influences your thinking. All communications about the project (pro and con) should occur in the context of the noticed hearing. See the discussion of ex-parte communications which immediately follows.

Ex-parte communications

Ex-parte communications are those that occur outside of the formal meeting. These kinds of communications can undermine your efforts to establish a reputation for Planning Commission fairness.

Some Planning Commissioners insist that they are comfortable with receiving communications from the projects' neighbors or other concerned citizens. They believe being open to community input is part of their job. Those members explain that they report the ex-parte communications prior to the beginning of the official meeting. But disclosing may not be enough. You can't easily convey the full text of information received or the way you may have

Why is it a problem when information is communicated to you outside of a meeting?

- Not everyone has the same information
- The applicant cannot respond, if accusations are made
- You can't readily assess the accuracy of the information by seeking confirmation from staff
- It violates the perceived fairness of process if special information has been conveyed to a subset of the board membership

been influenced.

Site visits are a form of ex-parte communication. However, they are desirable. They can take the form of individuals driving by a site, or exploring it alone on foot. Some communities chose to organize group visits with staff. Because you may have a quorum of Planning Commissioners present, such site visits should be posted as a public meeting. Staff should prepare a brief write up of the visit for the public record. While on the site, board members should maintain an open-minded frame of mind and refrain from offering opinions to the property owner who is likely to be present.

Example: Can a planning commissioner receive information or explanations from an applicant outside of the regular meeting?

Answer: If the information is designed to influence the thinking of the Commissioner, the information should be presented in a public meeting. It should be in writing and should be part of the official public record.

Commissioners must give serious consideration to stepping aside and not participating when reviewing projects if they have listened to community input and have already determined the proper outcome in advance of receiving the evidence.

Serial Meetings

A serial meeting occurs when a series of communications among board members results in a debate and discussion of a pending item or policy. Serial meetings may be prohibited by state or local ethics codes. Whether precluded or not, they should be avoided. Serial meetings are the product of high technology, particularly e-mail. Meetings where decisions are made have to be conducted in public. E-mails about pending matters should be avoided.

Example: Can the staff send a notice to all the Planning Commission advising them that a long desired development project has been dropped from the agenda at the request of the applicant?

Answer: Yes. No discussion of pros or cons should be undertaken. No replies should be sent.

Example: Can planning commissioners send e-mails using the "reply to all" feature speculating why the applicant made the decision and what, if anything, the commission can do as a group to help get the project back on track?



Social Media and Serial Meetings:

The general rule is that a majority of the Planning Commissioners cannot use the Internet to communicate with each other about Planning Commission business. Many web sites present information or ask questions and individuals make comments or ask questions which are called postings. Multiple Commissioners cannot post or comment on others postings on Planning Commission business. If they do, then they are debating the public's business outside of the public meeting. This is a no-no. This does not mean that one-way communications like blogs are limited. Blogging can be a good way to get the work out, especially in a time of declining newspaper readership.

Answer: No. The commission would be discussing a topic with the intention of arriving at a consensus to guide future public action outside of a public meeting.

Separate communications with decision-makers to answer questions are acceptable. But those communications cannot have content which includes information about the position of other decision-makers. Commissioners should avoid all forms of communication that could result in an agreement by the Commission or a subset of Commissioners about what to do outside of a public meeting. This guidance does not preclude Commissioners from being present at the same social event or attending a training conference. It simply means that while at those events the Commissioners cannot meet to discuss the public's business.

Exchanging Votes

We've already covered the ethical standards that prohibit Planning Commissioners from soliciting or receiving bribes/gifts in exchange for their votes. Commissioners cannot give their vote in exchange for another public official's vote. Vote trading is a form of quid pro quo (this for that). Engaging in this kind of behavior compromises the decision-making process. Outcomes other than what is best for the public are being treated as what's most important when votes are traded.

Civility

It is to be expected that people will disagree about planning projects. The disagreement itself is not a bad thing; it is how the disagreement is expressed that holds the potential for problems. Many issues that come before the Planning Commission will involve controversy. But if it appears that the personalities and not the merits of the proposal are holding sway, the public will rightly doubt the wisdom of the outcome. The City of Collinsville (See Attachment C) has adopted procedures calling for civil conduct and outlining what will happen when there is a lack of order. See excerpts below.

Article 16: Conduct of Persons Before the Planning Commission

- *During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to "disregard" the comment, which nevertheless may, at the discretion of the board, remain in the public record.*

- *During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.*
- *During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.*

The advantages of having these procedures in place ahead of time is that it saves people the stress of trying to decide in the middle of an especially angry and contentious meeting what to do next. It also sets a reasonable standard to which Commissioners can refer when the shouting and the insults become untenable. Ejecting people should be avoided if at all possible, especially because law enforcement personnel rarely attend Planning Commission meetings. Nonetheless, there are occasions when the Police should be invited to attend and be prepared to “invite” unruly members of the public to leave the Planning Commission meeting chambers. For example, you may have residents with mental health issues attending meetings and threatening those who disagree with them. In one City, vague threatening statements were made at a neighborhood meeting. At the end of the meeting, when City staff left, they learned that all of their cars had been keyed. When people don’t feel safe or respected at meetings, it is appropriate to take actions to restore civility. If it is a group rather than an individual causing the disruption, then the room may be cleared. Members of the media must be allowed to stay. Discussion can only take place on items posted on the agenda.

Besides removing disruptive individuals, another way to encourage civil behavior is for the Planning Commissioners to lead by example. If the Commission consistently demonstrates courtesy and respect it can help to tone down some of the rhetoric. Put simply, the Commission must avoid criticism of individuals and their motivations. The Commission’s deliberations must focus on the merit of the proposal. While the Planning Commission Chair





can encourage everyone to behave in a civil manner, the Chair cannot stop people from expressing their opinions or criticizing the action of the Commission or others.

The Commission's agenda must provide an opportunity for the public to address the Commission on any item of interest to the public within the Commission's jurisdiction. The Planning Commission may adopt reasonable regulations to ensure that everyone has an opportunity to be heard in an orderly manner. This includes time limits which can help ensure that the Commission can complete its work. The time limits should not be so short that the public's position cannot be readily understood, for example thirty seconds.

Individual Planning Commissioners Should Be Prepared to Address Ethical Challenges

Most ethical challenges fall into one of two categories: Balancing two things that are both right or doing the right thing even when it may be costly to you personally or politically. For example, you might feel an ethical challenge when doing the right thing might jeopardize your appointed position – voting against a project championed by the Mayor. Or a vote may jeopardize a valued personal relationship. While it may be a hard decision, it is also easy in the sense that the right thing to do is obvious. It is accepting the cost which is onerous. Ethical provisions require that you do what is best for the public interest. This responsibility trumps your own personal interests and friendships. The other kinds of ethical challenges – deciding between competing public good or two rights – are more difficult. The one right thing to do is not so obvious. Should you approve a project that will generate badly needed additional sales tax revenue even though it will increase traffic impacting residents when there are no feasible mitigations?

Here are several steps to follow to help resolve and ethical problem.

1. Stop and define the problem. Avoid the temptation to go along to get along. Take the time to make sure you can clearly express, at least to yourself, what are your misgivings.
2. Collect the facts. Who is involved? How credible is the information you've been offered? How reliable are the people providing information? And is the information complete?



3. Refer to your guidance material. Whatever principles or codes or ordinances apply to your work, know what the recommendations are and how they would be applied.

4. Generate alternative courses of action and decide if they would have better probable outcomes. You can ask people individually or in a public setting, ask the Commission Chair to address the problem, or request a memo from the staff. When you have a list of alternatives, look for the ones that can help solve the problem while building ethical bridges to the rest of the commission.

5. Act on the best alternative. The best alternative reflects fulfilling your commitment to serve the public interest, doing the right thing, and minimizing the potential cost of following the right course.

Example: You have observed two members of the commission, in public meetings, urge the staff to waive the criteria for a variance to the subdivision standards for certain members of the development community. The commission usually goes along.

Answer: Using the above guidelines:

1. Stop and define the problem. Long time developers are receiving preferential treatment and are being granted variances to the subdivision standards without meeting the criteria.
2. Collect the facts. You always take detailed notes of the Commission's debate. Within the past six months, only two developers and all of their projects have been the subject of requests of staff by the same two commissioners. Each time, the argument is made to waive standards to support economic development and encourage homebuilding. Some of the waivers are minor; others are significant. But in each case, they are lobbying for the approval of subdivisions that are sub-standard.
3. Refer to guidance material. The APA Statement of Ethical Principles states that those who participate in the planning process should "Exercise fair, honest, and independent judgment." You believe the Commissioners are failing to achieve this standard and the credibility of the Commission has been affected.
4. Generate alternatives. Talk to the Chair of the Planning Commission. Talk to the two Planning Commissioners. Request a briefing from staff of the formal process of seeking variances and waivers. Invite a representative from the Texas Chapter of APA to discuss the potential long-term costs of waiving certain subdivision standards.



5. Act on the best alternative. You decide to talk to the Chair of the Planning Commission because this option doesn't preclude other actions if your conversation is not productive. It is your hope that together the two of you can approach the other Commissioners.

With all of the information provided in this chapter, it should feel more comfortable to answer the questions posed at the beginning of the Chapter.

Question: **Can I meet individually with applicants to hear about their project?**

Answer: _____

Question: **Should I take a tour of a project site with an applicant?**

Answer: _____

Question: **Can I discuss pending development projects at my neighborhood association meeting?**

Answer: _____

Question: **Can friends and neighbors offer me their opinions about pending projects?**

Answer: _____

Question: **What happens when my best friend has a project before the Planning Commission?**

Answer: _____

Question: **How can I do my job as a Planning Commissioner in a way that promotes fairness and objectivity?**

Answer: _____

WHEN YOU HAVE SERIOUS CONCERNS ABOUT ETHICAL MISCONDUCT

What can you do when there are ethical violations that taint the public planning process? When you notice a consistent pattern of unethical behavior and simple, direct remedies have failed, it may be time to consult with others who can bring to bear the influence of another entity.



In the case of alleged unethical conduct by a certified professional planner (AICP), you can conduct the Professional Development Officer of the APA Texas Chapter regarding a general question about accepted standards for behavior. To make a specific complaint, you should contact the Executive Director of the American Planning Association who serves as the Ethics Officer for the American Institute of Certified Planners. Contact information for these individuals is available on the Texas Chapter website: www.txplanning.org or that of the APA www.planning.org. Your peers from another jurisdiction can also be helpful in sorting out the issues and alternatives. This is particularly true when you have concerns about the conduct of a planner and you are not quite ready to consult with others.

What if the perceived problem lies with a fellow Commissioner or an elected official? You have a responsibility to act quickly to address ethical problems before they become scandals. It is often useful to assemble collective wisdom. The following steps include some from a publication from the Institute for Local Government :

You have a responsibility to act quickly to address ethical problems before they become scandals.

1. Define and problem.
2. Collect the facts.
3. Determine the consequences of ignoring the situation.
4. Speak with others. See if they share your concerns. Do not gossip, but instead frame the conversation in terms of what needs to be done (if anything) to respond to the challenge.
5. Determine if an investigation is warranted.
6. Determine whether to contact external authorities.
7. Figure out what can be done to prevent a similar situation from occurring in the future.

These recommendations are not made lightly but with the full recognition that confronting problematic behavior may involve personal costs. Conversations can damage relationships. That's why it's best to begin with a one-on-one approach clarifying your understanding and, if things are as bad as you fear, helping a colleague to understand what can happen if the conduct does not change. By encouraging a colleague to refrain from the behavior, you are seeking to spare both the colleague as well as the City the embarrassment that will likely result. Depending on the magnitude of the transgression, you might choose to encourage the Commissioner to talk to an attorney. You



can use the approach of confirming from an independent party the possible expenses that may accrue from continuing to flout the law. When you hear that the behavior is protected because no one will find out, debate that premise loudly. With all of the ways people can follow actions by Commissioners whether public or private, that strategy is bound to fail. Don't be surprised if the response remains guarded or even denial. As mentioned earlier, we all have an enormous capacity for believing that we are honest and ethical individuals and hence, our conduct is also upright.

It is a difficult lesson to learn, but nonetheless true that you as an individual will be judged by the conduct of the other Commissioners. You must be prepared to not only act ethically on your own, but also to hold others accountable when they fail to do so.

Ultimately, an ethical commissioner must be prepared to consider whether events are of such a serious nature as to require resignation to avoid guilt by association. Conversely, the Commissioner may decide, upon reflection, to maintain a lonely outpost as the ethical beacon. The lone Commissioner can be effective in a number of simple ways. One could request that the APA Statement of Ethical Principles be placed on an agenda of the Commission. A discussion can then occur without appearing to judge any individual(s). The Commissioner could request training on ethics as a part of the overall development program for volunteers. Even without bringing these outside resources to the table, consistently ethical actions by one Commissioner will, over time, raise the ethical consciousness of the entire Planning Commission for the benefit of the whole community.

What Happens When a Planning Commission Operations Unethically?

Most city attorneys will tell you that you will not be defended if you have violated the law.

There can be serious consequences for misconduct. If the administrative decision is tainted, it can be set aside. New proceedings are then required. An individual who fails to avoid conflicts of interest can lose her/his position on the Commission. If the ethical failing rises to the level of a charge of violating someone's due process rights under the constitution, there could be a lawsuit and damages awarded. Most city attorneys will tell you that you will not be defended if you have violated the law. The cost of the proceedings will have to be borne by the individual Planning Commissioners.



THE TAKEAWAY MESSAGE

Ethics for Planning Commissions is not an introspective process. You can be absolutely confident that you have put your personal interest aside, but the public may still question loudly whether that is true. Experienced Planning Commissioners know that the public's perception matters when you make your determination of what the right thing to do is. This does not mean yielding to prejudice or the loudest voice. Your responsibility remains to do what is best for your community, even if it is an unpopular choice. If you act on your best judgment (and leave outside the meeting room your personal or political or job-related interests), you will have solved 99% of the ethical conundrums. You can encourage ethical behavior simply by bringing the issue up. You and the other Commissioners should analyze issues for their ethical implications and have a shared understanding of how these issues should be addressed.

If you have taken the time to read to the end of this Chapter, you are ahead of the game!

Ethical Planning Commissioners:

1. Are clear about the behavior they demand of themselves and expect from others.
2. Promote an ethical culture within the Planning Commission and the community where they serve.
3. Have a strategy ready for dealing with ethical issues if they arise.



ATTACHMENT A

Ethical Principles in Planning (As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:



1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

6. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
7. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should



be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

8. Not use confidential information acquired in the course of their duties to further a personal interest;
9. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
10. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
11. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
12. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;



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Texas Chapter

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11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.



ATTACHMENT B

AICP Code of Ethics and Professional Conduct

Adopted March 19, 2005

Effective June 1, 2005

Revised October 3, 2009

The Executive Director of APA/AICP is the Ethics Officer as referenced in the following.

We, professional planners, who are members of the American Institute of Certified Planners, subscribe to our Institute's Code of Ethics and Professional Conduct. Our Code is divided into four sections:

Section A contains a statement of aspirational principles that constitute the ideals to which we are committed. We shall strive to act in accordance with our stated principles. However, an allegation that we failed to achieve our aspirational principles cannot be the subject of a misconduct charge or be a cause for disciplinary action.

Section B contains rules of conduct to which we are held accountable. If we violate any of these rules, we can be the object of a charge of misconduct and shall have the responsibility of responding to and cooperating with the investigation and enforcement procedures. If we are found to be blameworthy by the AICP Ethics Committee, we shall be subject to the imposition of sanctions that may include loss of our certification.

Section C contains the procedural provisions of the Code. It (1) describes the way that one may obtain either a formal or informal advisory ruling, and (2) details how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

Section D contains procedural provisions that govern situations in which a planner is convicted of a serious crime.

The principles to which we subscribe in Sections A and B of the Code derive from the special responsibility of our profession to serve the public interest with compassion for the welfare of all people and, as professionals, to our obligation to act with high integrity.

As the basic values of society can come into competition with each other, so can the aspirational principles we espouse under this Code. An ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.

As Certified Planners, all of us are also members of the American Planning Association and share in the



goal of building better, more inclusive communities. We want the public to be aware of the principles by which we practice our profession in the quest of that goal. We sincerely hope that the public will respect the commitments we make to our employers and clients, our fellow professionals, and all other persons whose interests we affect.

A: Principles to Which We Aspire

1. Our Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:

- a) We shall always be conscious of the rights of others.
- b) We shall have special concern for the long-range consequences of present actions.
- c) We shall pay special attention to the interrelatedness of decisions.
- d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.
- e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.
- f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.
- g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.
- h) We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.

2. Our Responsibility to Our Clients and Employers

We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer's interest. Such performance, however, shall always be consistent with our faithful service to the public interest.



- a) We shall exercise independent professional judgment on behalf of our clients and employers.
- b) We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.
- c) We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

3. Our Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

- a) We shall protect and enhance the integrity of our profession.
- b) We shall educate the public about planning issues and their relevance to our everyday lives.
- c) We shall describe and comment on the work and views of other professionals in a fair and professional manner.
- d) We shall share the results of experience and research that contribute to the body of planning knowledge.
- e) We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
- f) We shall contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues.
- g) We shall increase the opportunities for members of underrepresented groups to become professional planners and help them advance in the profession.
- h) We shall continue to enhance our professional education and training.
- i) We shall systematically and critically analyze ethical issues in the practice of planning.



- j) We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.

B: Our Rules of Conduct

We adhere to the following Rules of Conduct, and we understand that our Institute will enforce compliance with them. If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification:

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.
3. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith after consultation with other qualified professionals that our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our current client or employer and receive written permission to proceed with the assignment.
4. We shall not, as salaried employees, undertake other employment in planning or a related profession, whether or not for pay, without having made full written disclosure to the employer who furnishes our salary and having received subsequent written permission to undertake additional employment, unless our employer has a written policy which expressly dispenses with a need to obtain such consent.
5. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.
7. We shall not use to our personal advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in embarrassment or other detriment to the client or employer. Nor shall we disclose such confidential information except when (1) required by process of law, or (2) required to prevent a clear violation of law, or (3) required to prevent a substantial injury to the public. Disclosure pursuant to (2) and (3) shall not be made until after we have verified the facts and issues involved and, when practicable, exhausted efforts to obtain reconsideration of the matter and have sought separate opinions on the issue from other qualified professionals employed by our client or employer.
8. 8. We shall not, as public officials or employees, engage in private communications with planning pro-



cess participants if the discussions relate to a matter over which we have authority to make a binding, final determination if such private communications are prohibited by law or by agency rules, procedures, or custom.

9. We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
10. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.
11. We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.
12. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
13. We shall not sell, or offer to sell, services by stating or implying an ability to influence decisions by improper means.
14. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.
15. We shall not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.
16. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
17. We shall not use the product of others' efforts to seek professional recognition or acclaim intended for producers of original work.
18. We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.
19. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.
20. We shall not unlawfully discriminate against another person.
21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.
22. We shall not retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.
23. We shall not use the threat of filing an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another planner.
24. We shall not file a frivolous charge of ethical misconduct against another planner.
25. We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.
26. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First Class Mail if we are convicted of a "serious crime" as defined in Section D of the Code; nor immediately



following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section D of the Code.

C: Our Code Procedures

1. Introduction

In brief, our Code Procedures (1) describe the way that one may obtain either a formal or informal advisory ethics ruling, and (2) detail how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

2. Informal Advice

All of us are encouraged to seek informal ethics advice from the Ethics Officer. Informal advice is not given in writing and is not binding on AICP, but the AICP Ethics Committee shall take it into consideration in the event a charge of misconduct is later filed against us concerning the conduct in question. If we ask the Ethics Officer for informal advice and do not receive a response within 21 calendar days of our request, we should notify the Chair of the Ethics Committee that we are awaiting a response.

3. Formal Advice

Only the Ethics Officer is authorized to give formal advice on the propriety of a planner's proposed conduct. Formal advice is binding on AICP and any of us who can demonstrate that we followed such advice shall have a defense to any charge of misconduct. The advice will be issued to us in writing signed by the Ethics Officer. The written advice shall not include names or places without the written consent of all persons to be named. Requests for formal advice must be in writing and must contain sufficient details, real or hypothetical, to permit a definitive opinion. The Ethics Officer has the discretion to issue or not issue formal advice. The Ethics Officer will not issue formal advice if he or she determines that the request deals with past conduct that should be the subject of a charge of misconduct. The Ethics Officer will respond to requests for formal advice within 21 days of receipt and will docket the requests in a log that will be distributed on a quarterly basis to the Chair of the AICP Ethics Committee. If the Ethics Officer fails to furnish us with a timely response we should notify the Chair of the AICP Ethics Committee that we are awaiting a response.

4. Published Formal Advisory Rulings

The Ethics Officer shall transmit a copy of all formal advice to the AICP Ethics Committee. The Committee, from time to time, will determine if the formal advice provides guidance to the interpretation of the Code and should be published as a formal advisory ruling. Also, the Ethics Committee has the authority to draft and publish formal advisory rulings when it determines that guidance to interpretation of the Code is needed or desirable.

5. Filing a Charge of Misconduct



Any person, whether or not an AICP member, may file a charge of misconduct against a Certified Planner. A charge of misconduct shall be made in a letter sent to the AICP Ethics Officer. The letter may be signed or it may be anonymous. The person filing the charge is urged to maintain confidentiality to the extent practicable. The person filing the charge should not send a copy of the charge to the Certified Planner identified in the letter or to any other person. The letter shall accurately identify the Certified Planner against whom the charge is being made and describe the conduct that allegedly violated the provisions of the Rules of Conduct. The person filing a charge should also cite all provisions of the Rules of Conduct that have allegedly been violated. However, a charge will not be dismissed if the Ethics Officer is able to determine from the facts stated in the letter that certain Rules of Conduct may have been violated. The letter reciting the charge should be accompanied by all relevant documentation available to the person filing the charge. While anonymously filed charges are permitted, anonymous filers will not receive notification of the disposition of the charge. Anonymous filers may furnish a postal address in the event the Ethics Officer needs to reach them for an inquiry.

6. Receipt of Charge by Ethics Officer

The Ethics Officer shall maintain a log of all letters containing charges of misconduct filed against Certified Planners upon their receipt and shall transmit a quarterly report of such correspondence to the Chair of the Ethics Committee. Within two weeks of receipt of a charge, the Ethics Officer shall prepare a cover letter and transmit the charge and all attached documentation to the named Certified Planner, who shall be now referred to as “the Respondent.” The Ethics Officer’s cover letter shall indicate whether the Ethics Officer expects the Respondent to file a “preliminary response” or whether the Ethics Officer is summarily dismissing the charge because it is clearly without merit. A copy of the cover letter will also be sent to the Charging Party, if identified. If the cover letter summarily dismisses the charge, it shall be sent to an identifiable Charging Party by receipted Certified Mail. The Charging Party will have the right to appeal the summary dismissal as provided in Section 11. After the Ethics Officer has received a charge, the Charging Party may withdraw it only with the permission of the Ethics Officer. After receiving a charge, the Ethics Officer shall have a duty to keep an identified Charging Party informed of its status. If an identified Charging Party has not received a status report from the Ethics Officer for 60 calendar days, the Charging Party should notify the Chair of the AICP Ethics Committee of the lapse.

7. Right of Counsel

A planner who receives a charge of misconduct under a cover letter requesting a preliminary response should understand that if he or she desires legal representation, it would be advisable to obtain such representation at the earliest point in the procedure. However, a planner who elects to proceed at first without legal representation will not be precluded from engaging such representation at any later point in the procedure.

8. Preliminary Responses to a Charge of Misconduct

If the Ethics Officer requests a preliminary response, the Respondent shall be allowed 30 calendar days



from receipt of the Ethics Officer's letter to send the response to the Ethics Officer. The Ethics Officer will grant an extension of time, not to exceed 15 calendar days, if the request for the extension is made within the 30 day period. Failure to make a timely preliminary response constitutes a failure to cooperate with the Ethics Officer's investigation of the charge. A preliminary response should include documentation, the names, addresses and telephone numbers of witnesses, and all of the facts and arguments that counter the charge. Because the motivation of the person who filed the charge is irrelevant, the Respondent should not discuss it. The Ethics Officer will send a copy of the preliminary response to the Charging Party, if identified, and allow the Charging Party 15 calendar days from the date of receipt to respond.

9. Conducting an Investigation

After review of the preliminary response from the Respondent and any counter to that response furnished by an identified Charging Party, or if no timely preliminary response is received, the Ethics Officer shall decide whether an investigation is appropriate. If the Ethics Officer determines that an investigation should be conducted, he or she may designate a member of the AICP staff or AICP counsel to conduct the investigation. The Respondent must cooperate in the investigation and encourage others with relevant information, whether favorable or unfavorable, to cooperate. Neither the Ethics Officer, nor designee, will make credibility findings to resolve differing witness versions of facts in dispute.

10. Dismissal of Charge or Issuance of Complaint

If, with or without an investigation, the charge appears to be without merit, the Ethics Officer shall dismiss it in a letter, giving a full explanation of the reasons. The dismissal letter shall be sent to the Respondent and the Charging Party by receipted Certified Mail. If, however, the Ethics Officer's investigation indicates that a Complaint is warranted, the Ethics Officer shall draft a Complaint and send it to the Respondent by receipted Certified Mail, with a copy to the Charging Party. The Complaint shall consist of numbered paragraphs containing recitations of alleged facts. Following the fact paragraphs, there shall be numbered paragraphs of alleged violations, which shall cite provisions of the Rules of Conduct that the Ethics Officer believes are implicated. The allegations in the Complaint shall be based on the results of the Ethics Officer's investigation of the charge and may be additional to, or different from, those allegations initially relied upon by the Charging Party. The Ethics Officer shall maintain a log of all dismissals and shall transmit the log on a quarterly basis to the Chair of the Ethics Committee.

11. Appeal of Dismissal of Charge

Identified Charging Parties who are notified of the dismissal of their ethics charges shall have 30 calendar days from the date of the receipt of their dismissal letters to file an appeal with the Ethics Committee. The appeal shall be sent to the Ethics Officer who shall record it in a log and transmit it within 21 calendar days to the Ethics Committee. The Ethics Committee shall either affirm or reverse the dismissal. If the dismissal is reversed, the Ethics Committee shall either direct the Ethics Officer to conduct a



further investigation and review the charge again, or issue a Complaint based on the materials before the Committee. The Ethics Officer shall notify the Charging Party and the Respondent of the Ethics Committee's determination.

12. Answering a Complaint

The Respondent shall have 30 calendar days from receipt of a Complaint in which to file an Answer. An extension not to exceed 15 calendar days will be granted if the request is made within the 30 day period. In furnishing an Answer, the Respondent is expected to cooperate in good faith. General denials are unacceptable. The Answer must specifically admit or deny each of the fact allegations in the Complaint. It is acceptable to deny a fact allegation on the ground that the planner is unable to verify its correctness, but that explanation should be stated as the reason for denial. The failure of a Respondent to make a timely denial of any fact alleged in the Complaint shall be deemed an admission of such fact. The Ethics Officer may amend a Complaint to delete any disputed fact, whether or not material to the issues. The Ethics Officer also may amend a Complaint to restate fact allegations by verifying and adopting the Respondent's version of what occurred. The Ethics Officer shall send the Complaint or Amended Complaint and the Respondent's Answer to the Ethics Committee with a copy to an identified Charging Party. The Ethics Officer shall also inform the Ethics Committee if there are any disputed material facts based on a comparison of the documents.

13. Conducting a Hearing

a) If the Ethics Officer notifies the Ethics Committee that material facts are in dispute or if the Ethics Committee, on its own, finds that to be the case, the Chair of the Committee shall designate a "Hearing Official" from among the membership of the Committee. At this point in the process, the Ethics Officer, either personally or through a designated AICP staff member or AICP counsel, shall continue to serve as both Investigator-Prosecutor and as the Clerk serving the Ethics Committee, the Hearing Official and the Respondent. In carrying out clerical functions, the Ethics Officer, or designee, may discuss with the Ethics Committee and the Hearing Official the procedural arrangements for the hearing. Until the Ethics Committee decides the case, however, the Ethics Officer or designee shall not discuss the merits of the case with any member of the Committee unless the Respondent is present or is afforded an equal opportunity to address the Committee member.

b) The Ethics Officer shall transmit a "Notice of Hearing" to the Respondent, the Hearing Official and an identified Charging Party. The hearing shall normally be conducted in the vicinity where the alleged misconduct occurred. The Notice will contain a list of all disputed material facts that need to be resolved. The hearing will be confined to resolution of those facts. There shall be no requirement that formal rules of evidence be observed.

c) The Ethics Officer will have the burden of proving, by a preponderance of the evidence, that misconduct occurred. The Ethics Officer may present witness testimony and any other evidence relevant



to demonstrating the existence of each disputed material fact. The Respondent will then be given the opportunity to present witness testimony and any other evidence relevant to controvert the testimony and other evidence submitted by the Ethics Officer. The Ethics Officer may then be given an opportunity to present additional witness testimony and other evidence in rebuttal. All witnesses who testify for the Ethics Officer or the Respondent shall be subject to cross-examination by the other party. The Hearing Official shall make an electronic recording of the hearing and shall make copies of the recording available to the Ethics Officer and the Respondent.

d) At least 30 calendar days before the hearing, the Ethics Officer and the Respondent shall exchange lists of proposed witnesses who will testify, and copies of all exhibits that will be introduced, at the hearing. There shall be no other discovery and no pre-hearing motions. All witnesses must testify in person at the hearing unless arrangements can be made by agreement between the Respondent and the Ethics Officer prior to the hearing, or by ruling of the Hearing Official during the hearing, to have an unavailable witness's testimony submitted in a video recording that permits the Hearing Official to observe the demeanor of the witness. No unavailable witness's testimony shall be admissible unless the opposing party was offered a meaningful opportunity to cross-examine the witness. The hearing shall not be open to the public. The Hearing Official shall have the discretion to hold open the hearing to accept recorded video testimony of unavailable witnesses. The Respondent will be responsible for the expense of bringing his or her witnesses to the hearing or to have their testimony video recorded. Following the closing of the hearing, the Hearing Official shall make findings only as to the disputed material facts and transmit the findings to the full Ethics Committee, the Ethics Officer, and the Respondent. The Hearing Official, prior to issuing findings, may request that the parties submit proposed findings of fact for his or her consideration.

14. Deciding the Case

The Ethics Committee (including the Hearing Official member of the Committee) shall resolve the ethics matter by reviewing the documentation that sets out the facts that were not in dispute, any fact findings that were required to be made by a Hearing Official, and any arguments submitted to it by the Respondent and the Ethics Officer. The Ethics Officer shall give 45 calendar days' notice to the Respondent of the date of the Ethics Committee meeting during which the matter will be resolved. The Ethics Officer and the Respondent shall have 21 calendar days to submit memoranda stating their positions. The Ethics Officer shall transmit the memoranda to the Ethics Committee no later than 15 calendar days prior to the scheduled meeting. If the Committee determines that the Rules of Conduct have not been violated, it shall dismiss the Complaint and direct the Ethics Officer to notify the Respondent and an identified Charging Party. If the Ethics Committee determines that the Ethics Officer has demonstrated that the Rules of Conduct have been violated, it shall also determine the appropriate sanction, which shall either be a reprimand, suspension, or expulsion. The Ethics Committee shall direct the Ethics Officer to notify the Respondent and an identified Charging Party of its action and to draft a formal explanation of its decision and the discipline chosen. Upon approval of the Ethics Committee, the expla-



nation and discipline chosen shall be published and titled “Opinion of the AICP Ethics Committee.” The determination of the AICP Ethics Committee shall be final.

15. Settlement of Charges

a) Prior to issuance of a Complaint, the Ethics Officer may negotiate a settlement between the Respondent and an identified Charging Party if the Ethics Officer determines that the Charging Party has been personally aggrieved by the alleged misconduct of the Respondent and a private resolution between the two would not be viewed as compromising Code principles. If a settlement is reached under such circumstances, the Charging Party will be allowed to withdraw the charge of misconduct.

b) Also prior to issuance of a Complaint, the Ethics Officer may enter into a proposed settlement agreement without the participation of an identified Charging Party. However, in such circumstances, the proposed settlement agreement shall be contingent upon the approval of the Ethics Committee. An identified Charging Party will be given notice and an opportunity to be heard by the Ethics Committee before it votes to approve or disapprove the proposed pre-Complaint settlement.

c) After issuance of a Complaint by the Ethics Officer, a settlement can be negotiated solely between the Ethics Officer and the Respondent, subject to the approval of the Ethics Committee without input from an identified Charging Party.

16. Resignations and Lapses of Membership

If an AICP member who is the subject of a Charge of Misconduct resigns or allows membership to lapse prior to a final determination of the Charge (and any Complaint that may have issued), the ethics matter will be held in abeyance subject to being revived if the individual applies for reinstatement of membership within two years. If such former member, however, fails to apply for reinstatement within two years, the individual shall not be permitted to reapply for certification for a period of 10 years from the date of resignation or lapse of membership. If the Ethics Officer receives a Charge of Misconduct against a former member, the Ethics Officer shall make an effort to locate and advise the former member of the filing of the Charge and this Rule of Procedure.

17. Annual Report of Ethics Officer

Prior to January 31 of each calendar year the Ethics Officer shall publish an Annual Report of all ethics activity during the preceding calendar year to the AICP Ethics Committee and the AICP Commission. The AICP Commission shall make the Annual Report available to the membership.

D: Planners Convicted of Serious Crimes — Automatic Suspension of Certification

1. Automatic Suspension Upon Conviction for “Serious Crime”

We acknowledge that if we are convicted of a “serious crime,” our certification and membership shall be automatically suspended indefinitely. The automatic suspension applies whether the conviction result-



ed from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. A “serious crime” shall include any crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns or to pay the tax, deceit, bribery, extortion, misappropriation, theft, conflict of interest, or an attempt to or a conspiracy or solicitation of another to commit a “serious crime.”

2. Duty to Notify Ethics Officer When Convicted of “Serious Crime.”

As required by Rule of Conduct 26, in Section B of the Code, we shall notify the Ethics Officer both by receipted Certified and Regular First Class Mail if we are convicted of a “serious crime” as defined in Paragraph 1. We understand that failure to do so shall result in a delay in the commencement of the one year waiting period for filing reinstatement petitions as provided for in Paragraph 3.

3. Petition for Reinstatement of Certification and Membership

Upon learning of the conviction of a Certified Planner for a serious crime, the Ethics Officer shall send the convicted individual by receipted Certified and Regular First Class Mail to the last address of record a Notice of Suspension of AICP Membership and Certification. The Notice shall advise the individual that one year from the date of the Notice, but in no event prior to release from incarceration, he or she may petition the AICP Ethics Committee for reinstatement. A Petition for Reinstatement shall be sent to the Ethics Officer, who shall forward it to the Ethics Committee. The Ethics Committee shall in its sole judgment determine whether reinstatement is appropriate and if so whether and what conditions shall be applied to such reinstatement. The Ethics Officer shall transmit the reinstatement determination to the petitioner. If the Ethics Committee denies the Petition, the Ethics Officer shall transmit the denial to the petitioner along with notice that the petitioner shall have the opportunity to file a subsequent petition after 12 months from the date of the Ethics Committee’s determination.

4. Publication of Conviction for Serious Crime:

If, while we are Certified Planners, we are convicted of a serious offense, as defined in Paragraph 1, we authorize the Ethics Officer to publish our name and a description of the crime we committed in a publication of AICP and of the American Planning Association. This authority to publish shall survive the voluntary or involuntary termination or suspension of our AICP membership and certification.

ATTACHMENT C

BY-LAWS FOR PLANNING AND ZONING COMMISSION

CITY OF COLLINSVILLE, TEXAS

Used with the Permission of the City of Collinsville, Troy Vanoy, approved March, 2013.



By-Laws of the Planning Commission of the City of Collinsville, State of Texas, as established on March, 2001.

Article 1: Authority

Authority was given to Planning and Zoning as a Board by the City Council of Collinsville, State of Texas. City of Collinsville Zoning Ordinance.

Article 2: Jurisdiction

- The Jurisdiction of this board includes all property within the city limits of Collinsville, Texas, as well as any and all property within the extra-territorial jurisdiction (ETJ) of the city.
- The amount of property that falls within the ETJ is defined by State law and is based upon the current population of the city. At the present time, the ETJ for the City of Collinsville includes all area up to one-half of a mile beyond the city limits.
- All recommendations will be heard on next planned agenda and decision will be made by the Planning and Zoning board no more than 90 days from the date of the recommendation being presented to the board.

Article 3: Appointment and Terms of Members

- All appointments to the Planning and Zoning board are made by the City Council.
- The Planning and Zoning board consists of five members who must be a resident either in the city limits of Collinsville, or live within five (5) miles of the city limits of Collinsville. However in the event that a bordering county line is less than five (5) miles of the Collinsville City limits, the mileage limit stops at the Grayson County line.
- Each appointment to the Planning and Zoning board is for a two year period. If a member is unable to complete their two year term, the City Council will vote on a replacement to complete that portion of the unexpired term. Members are elected in overlapping terms, i.e., in one year two positions are appointed for two year terms and in the next year three positions are appointed for two year terms.

Article 4: Planning Commission Officers and their Duties

- Chairperson- presides at all hearings and meetings of the commission, assures proper order of the commission and the public in all proceedings, signs all documents of the commission, and represents the commission before legislative and administrative bodies.
- Vice-chairperson- provides orientation to new planning commission members, and, in the absence of the chairperson, performs all of the chairperson's duties. If applicable, prepares the annual report of planning commission activities and coordinates the annual meeting of the planning commission.
- Secretary- prepares all official instruments of the planning commission, records the proceedings of all hearings and meetings; together with the chairperson signs all documents of the planning commission, and assures the proper indexing of all planning commission documents as public records.
- Chairperson-Pro-Temp- where both the chairperson and vice chairperson are absent from a hear-



ing or meeting, the remainder of the members of the planning commission shall elect a chairperson-pro-temp from among their own number by majority vote.

- Treasurer (NOT APPLICABLE AT THIS TIME)- where a planning commission retains direct control over the budget for operations and staff, the treasurer shall maintain complete, accurate and orderly accounts in preparation for the annual audit, and together with the chairperson shall sign all authorizations and payments of funds.

Article 5: Staff of the Commission and their Duties

- Consultants- the planning commission may hire consultants to perform planning related activities under terms of a contract prepared by the Planning and Zoning Commission and approved by the City Council.
- Legal counsel- the county attorney or municipal director of law shall serve as legal counsel to the planning commission; prepares memoranda of law as requested by the planning commission, and reviews drafts of ordinances, resolutions, and by-laws, and their amendment.
- Director of Planning (NOT APPLICABLE AT THIS TIME)- advises the planning commission, legislative body, and chief administrative officer on matters related to planning, development, and redevelopment, coordinates and supervises the work of all other staff and consultants, prepares all documents for presentation to the planning commission, and assists the chairperson and secretary in the exercise of their duties; the director of planning or designee shall have the privilege to address the planning commission during regular meetings.
- Zoning Administrator (NOT APPLICABLE AT THIS TIME)- advises the planning commission on all matters regarding the regulation of development, prepares all related documents for presentation to the planning commission, and serves as staff to the board of zoning appeals.
- Commission staff (NOT APPLICABLE AT THIS TIME) - the planning commission may appoint other staff members to carry-out appropriate functions.

Article 6: Hearings of the Planning Commission

- Public hearing- a noticed official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the planning commission, for which publicly-accessible minutes must be prepared; the planning commission may neither deliberate nor take a substantive vote during a public hearing.
- Working Session- a noticed official hearing open to the public to discuss specific matters before the commission; the intent of the working session is informational; the planning commission may neither deliberate nor take a substantive vote during a working session, however publicly-accessible minutes may be prepared.

Article 7: Meetings of the Planning Commission

- Regular meeting- a noticed official meeting, open to the public, during which the planning commission deliberates and may take substantive votes on specific terms, for which publicly-accessible



minutes will be prepared.

- Emergency meeting- in the event of a true emergency, the chairperson, with the assent of a majority of planning commission members contacted by telephone, may call an emergency meeting without notice; such meeting is open to the public; publicly-accessible minutes shall carry the specific justification for such meetings.
- Executive meeting- a noticed official meeting, closed to the public, whose topics of deliberation are truly confidential in nature; there shall be neither deliberation nor vote on agendized items before the commission.

Article 8: Order of a Public Hearing

1. Sign-in sheets by agenda item, listing printed name, signature, address of persons wishing to testify, and indication of support or opposition to items.
2. Call to order and determination of quorum.
3. Presentation by commissioner (or staff if applicable) summarizing the item.
4. Testimony of agencies related to the item.
5. Presentation by the applicant.
6. Testimony of the proponents.
7. Testimony of the opponents.
8. Concluding comments of the applicant.
9. Concluding comments of the commissioner (or staff if applicable).
10. Request of the Chairperson for a motion to close the public hearing.

Article 9: Order of a Regular Meeting

1. Call to order and determination of quorum.
2. Approval of the minutes of the previous meeting.
3. Items carried-over from a previous agenda:
 - a. Matters regarding the comprehensive plan
 - b. Matters regarding capital improvements
 - c. Matters regarding subdivision of land
 - d. Matters regarding zoning of land
 - e. Matters regarding other regulatory action
4. Items of the present agenda, presented in the same order as above.
5. Other business.
6. Review of the planning commission calendar and announcement of future meetings.
7. Request of the chairperson for a motion to adjourn.

Article 10: Form and Character of Motions

The form and character of motions shall conform to those offered within Robert's Rules of Order, Revised, except as specified below.



- Upon review of the full public record and due deliberation among members of the planning commission, any of its members, except the chairperson, may make a substantive motion. The motion shall include not only direction (Approval, Approval with specified conditions, or Disapproval) but also a recitation of findings which support the motion.
- A second, citing compatible finding shall be required.
- Other commission members may support the motion with other compatible findings.
- A motion shall die for lack of second.
- Where a motion to disapprove an item has been defeated, a member of the planning commission initially in the opposition may make a motion to approve or approve with conditions.

Article 11: Quorum and Voting Requirements

- A majority of the members of the planning commission shall constitute a quorum.
- A majority of the members of the planning commission shall be required to pass a motion.
- All votes shall be taken by the Chairperson in random order, with the Chairperson not voting except as needed to break a tie vote.
- If a member abstains from voting, their vote shall not be counted in the determination of a motion, but it shall be recorded in the minutes as an abstaining vote.

Article 12: Requirements for the Submission of Requests

- The planning commission shall adopt standard forms for the submission of each type of request required for its consideration; such forms shall specify the schedule of submission, form and content of complementary materials, and scale and content of drawings.
- The secretary of the planning commission shall certify the completeness of submissions.
- Certified requests shall be fully noticed under requirements of law and agendaized on the planning commission calendar on the same day.
- Any request disapproved by the planning commission shall not be resubmitted for a period of six months unless the Planning and Zoning Commission shall determine that a new hearing is justified prior to the expiration of the six months waiting period.
- An application for the same type of amendment shall not be received on the same property more often than once in each twelve (12) month period unless the Planning and Zoning Commission shall determine that a change of conditions justifies a new hearing prior to expiration of the twelve (12) month period.
- A fee schedule has been put in place by the City Council to recover costs associated with notice publication, request processing, agenda, and related materials duplication and distribution; moreover, the planning commission may require the applicant to post signs on the affected property, in conformance with provisions of the ordinance, and to notify adjacent property owners, tenants, and community residents of the nature of the applicant's request.



Article 13: Instruments and Documents of the Planning Commission

- The official instruments of the planning commission are the record of notice, and agenda, and the minutes of hearings and meetings. Where in special cases the planning commission wishes to provide advice to the legislative body or administrative agency, it may do so by resolution.
- Any and all materials submitted to the planning commission regarding an item shall be entered into public record by a motion to “Accept for the record”.
- All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, minutes of hearings and meetings, and resolutions shall constitute the documents of the planning commission and shall be indexed as a matter of public record.

Article 14: Administrative Calendar

- Notice for all hearings and meetings shall conform to requirements of law.
- Terms for two year appointments begin at the first regular meeting of the Planning and Zoning board in July.
- The regular meetings of the Planning and Zoning board are normally scheduled on the fourth Tuesday of each month. Additional meetings or hearings are scheduled as needed.
- Copies of the agenda and any related documents shall be delivered to each planning commission member no less than five working days prior to a public hearing and regular meeting.

Article 15: Conduct of the Members of the Planning Commission

- Members of the planning commission shall take such time as to prepare themselves for hearings and meetings.
- Any member of the planning commission absent from three consecutive regular meetings or any six regular meetings within a calendar year, without being excused by the Chairperson, may be removed for cause.
- A planning commission member with a conflict of interest in an item before the commission must state that a conflict of interest exists and withdraw from participation in the public hearing, working session, emergency meeting, or regular meeting on that item.
- The interests of that planning commission member may be represented before the planning commission by a specifically designated representative or legal agent at the public hearing or working session, and testimony entered into the public record.
- Participation of a planning commission member with a conflict of interest is cause for removal.

Article 16: Conduct of Persons Before the Planning Commission

- During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to “disregard” the comment, which nevertheless may, at the discretion of the board, remain in the public record.



- During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.
- During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

Article 17: Separability

- Should any article of the planning commission by-laws be found to be illegal, the remaining articles shall remain in effect.

Article 18: Adoption and Amendment of By-Laws

- By-Law adoption or amendment shall be made following review by the legal counsel and public hearing.
- The by-laws shall be adopted or amended upon a vote of a majority of the members of the planning commission.
- Adoption or amendment of by-laws takes effect immediately following a successful vote.

Adopted: March 2001

Amended & Approved: December 2012

ATTACHMENT D

Used with permission from the City of Arlington, Lyndsay Mitchell, June, 2013.



PLANNING AND ZONING COMMISSION: PARTICIPATING AT PUBLIC HEARINGS

If you are interested in giving public testimony at Planning and Zoning Commission and City Council public hearings, the following information will help you become familiar with the procedures of the City Council and Planning and Zoning Commission.

Procedures for participating at a Planning and Zoning Commission or City Council public hearing

Procedures for participating at a Planning and Zoning Commission or City Council public hearing are the same, unless noted below

1. Fill out a speaker card and return it to the box at the front of the Council Chamber (for the Planning and Zoning Commission) and to the desk at the entrance of the Council Chamber (for City Council).
2. The applicant or the applicant's representative is allowed 10 minutes to speak. All other speakers for or against the items are given 5 minutes. In the event a total of five or more people are registered to speak on one side of an issue, the 10 minute time is reduced to 5 minutes and the 5 minute time is reduced to 3 for that side of the hearing. The proponent is allowed 5 minutes for rebuttal.
3. Developers who wish to make presentations to an evening City Council session should contact or make arrangements with the Community Development & Planning department at 817-459-6664.

Procedures for Registering Support or Opposition on a Public Hearing Item

1. Fill out a speaker card and return it to the box at the front of the Council Chamber (for the Planning and Zoning Commission) and to the desk at the entrance of the Council Chamber (for City Council).
2. Citizens anticipating being absent during the public hearing may write a letter in support or opposition and have it submitted by a representative or mail it to the City Council or Planning and Zoning Commission.
3. Registration of support or opposition (individual form, group form) on any item on the agenda must be submitted before or at the public hearing on the day of the hearing.

Procedures for Citizens Who Wish to Speak on an Item not on the City Council Agenda

1. Fill out a speaker card and return it to the desk at the entrance of the Council Chamber.
2. Speakers are given a 5 minute time limit.

ATTACHMENT E

Used with the permission of the City of San Gabriel, Mark Gallatin, March, 2013.



Welcome...

TO YOUR SAN GABRIEL PLANNING COMMISSION MEETING

Meetings are held on:
Second Monday of every month at 6:30 p.m.
City Hall Council Chambers
425 South Mission Drive
Second Floor

Welcome to the Planning Commission! We are glad you can join us. We want you to enjoy your visit, and have prepared this brochure to help explain the role and conduct of Planning Commission meetings.

What the Commission Does

The **Planning Commission** consists of five volunteer citizens who are appointed by your City Council to help guide San Gabriel's growth, development, and quality of life. There are two types of actions the Planning Commission takes:



- **Legislative Actions:** *The Planning Commission bears testimony and makes recommendations to the City Council on these types of applications: zone changes, general plan amendments, specific plans, and ordinance amendments. In this role, the Commission makes recommendations only – all these actions are then referred to the City Council for action.*
- **Quasi-Judicial Actions:** The Planning Commission can approve, conditionally approve, or deny: Conditional Use Permits, Variances, Master Plans, and other types of applications. The Commission also certifies environmental impact reports. **In this role, Planning Commission decisions are usually final unless appealed.**

How Can I Speak at a Meeting?

If you would like to speak, fill out a speaker's card with your name and address, give it to the secretary and you will be called upon at the appropriate time. Written comments can be given to a planning staff any time before a public hearing is closed. For items not on the agenda, you may speak during the time set aside for public comment. Otherwise, you may speak during the public hearings.

THE PUBLIC HEARING

Many Planning Commission matters are public hearing items, during which you as a member of the public have the opportunity to testify.

1. **ANNOUNCEMENT OF EACH ITEM:** The chairman announces each item in the order listed on the agenda. Agendas are available in the Council Chambers before each meeting.
2. **STAFF REPORT AND PRESENTATION:** The Community Development staff prepares a report regarding each proposal. A member of the staff will summarize it orally, answer any questions, and clarify issues the Commission may have. Reports are available in the Planning Division Office prior to each meeting.
3. **PRESENTATION OF EACH APPLICANT:** The applicant requesting approval of an application is given time to state his or her position in favor of the proposal.
4. **PUBLIC HEARING:** Once the Chairman invites members of the public to speak on each proposal, you may come to the podium to speak. You may also present exhibits, which become part of the City's official case file. **Please remember:**

- **Show courtesy and respect for everybody** by addressing all comments to the Chair and the Commission, not to the audience or staff members.
- **Keep comments brief and non-repetitive** so that everyone gets a chance to speak.
- **Always identify yourself** for the public record by stating your name and address.
- **Speak clearly** into the microphone.



5. **DISCUSSION AND VOTE BY THE COMMISSION:** After receiving all testimony, the Chairman **closes the public hearing**, and the Commission discusses each proposal. Members of the Commission may ask questions of individuals or the staff. The Commission then votes on each proposal. *The public cannot testify once public hearing has been closed.*

Can I Appeal Planning Commission Decisions?

For quasi-judicial actions like variances and conditional use permits, you may appeal decisions made by the Planning Commission to the City Council within 10 business days of the decision. If no appeal is filed, the decisions are made final. For legislative actions where the Planning Commission's action is only a recommendation, these will be reheard by the City Council; you may contact staff to receive notice of the Council hearing date. If you are not certain what your appeal rights are, simply ask any staff member at the meeting.

Thank you for coming! For more information about items on this agenda, please contact us at:

Community Development Department
425 South Mission Drive
San Gabriel, CA 91776
Phone: (626) 308-2806
Fax: (626) 458-2830
Web: www.sangabrielcity.com



ATTACHMENT F

PUBLIC SERVICE VALUES

From The Institute for Local Government web site: http://www.ca-ilg.org/sites/main/files/file-attachments/Basics_PersOrgEthic_WM.pdf. Site accessed June 5, 2013.

Public Service Values

How do core ethical values translate into action in public service? Here are examples of what values mean in practice.

Trustworthiness

I remember that my role is first and foremost to serve the community.

I am truthful with my colleagues, the public and others.

I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.

I do not accept gifts or other special considerations because of my public position.

I do not knowingly use false, inaccurate or biased information to support my position.

I do not use my public position for personal gain.

I carefully consider any promise I make and then keep it.

Fairness

I make decisions based on the merits of the issues.

I honor the law's and the public's expectation that agency policies will be applied consistently.

I support the public's right to know and promote meaningful public involvement.

I support merit-based processes for the award of public employment and public contracts.

I am impartial and do not favor those who either have helped me or are in a position to do so.

I promote equality and treat all people equitably.

I excuse myself from participating in matters when my or my family's financial interests may be affected by my agency's actions.

I credit others' contributions in moving our community's interests forward.

I maintain consistent standards, but am sensitive to the need for compromise, creativity and improving existing paradigms.

Responsibility

I work to improve the quality of life in the community and promote the best interests of the public.

I promote the efficient use of agency resources.

I do not use agency resources for personal or political benefit.

I represent the official positions of the agency to the best of my ability when authorized to do so.

I explicitly state that my personal opinions do not represent the agency's position and do not allow the



inference that they do.

I take responsibility for my own actions, even when it is uncomfortable to do so.

I do not use information that I acquire in my public capacity for personal advantage.

I do not promise that which I have reason to believe is unrealistic.

I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political or professional advantage.

I do not disclose confidential information without proper legal authorization.

I am proactive and innovative when setting goals and considering policies.

I consider the broader regional and statewide implications of the agency's decisions and issues.

I promote intelligent innovation to move forward the agency's policies and services.

Respect

I treat everyone with courtesy and respect, even when we disagree.

I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.

I gain value from diverse opinions and build consensus.

I follow through on commitments, keep others informed, and provide timely responses.

I am approachable and open-minded, and I convey this to others.

I listen carefully and ask questions that add value to discussions.

I involve all appropriate stakeholders in meetings affecting agency decisions.

I come to meetings and I come to them prepared.

I work to improve the quality of life in my community.

Compassion

I realize that some people are sometimes intimidated by the public process and try to make their interactions as stress-free as possible.

I convey the agency's care for and commitment to its community members.

I am attuned to, and care about, the needs and concerns of the public, officials, and staff.

I recognize a responsibility to society's less fortunate.

I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

I safeguard confidential information.

I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.

I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.

I don't oppose final decisions once they have been made by the decision makers, except through inter-



American Planning Association
Texas Chapter

A Guide to Urban Planning in Texas Communities 2013

nal lines of communication.

I put loyalty to the public's interests above personal, professional and political loyalties.



Item No. 9.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Review/Discuss/Action on the Tree Board Rules of Procedure.

SUMMARY:

Article 9.07 (Tree Preservation) of the City of Anna Code of Ordinances designates the Planning & Zoning Commission as the City's Tree Board until such time that the City Council appoints a separate tree board.

§ 9.07.002 Administration.

Provisions of [Article 9.07] shall be administered by the landscape administrator or designee.

(1) Tree removal permit applications. The landscape administrator shall grant a tree removal permit provided the requirements of this article are met.

(2) Grievances. An applicant aggrieved by a decision of the landscape administrator may appeal the decision to the board of adjustment for an interpretation.

(3) Waivers. An application for a waiver to the terms of the tree preservation section may be made. The application for a waiver shall be reviewed by the tree board, and a recommendation for approval or denial shall be forwarded to the city council. The decision of the city council shall be final. No public hearing shall be required. The tree board and city council shall consider the following factors in determining whether a waiver should be granted:

- (A) The literal enforcement cannot be accomplished;
- (B) The extent to which the application meets other standards of this article;
- (C) The positive and negative impact of the proposed project on surrounding properties; and
- (D) The extent to which the waiver would be mitigated by other proposed or existing landscaping.

(4) Nonsubstantive changes. The landscape administrator shall be authorized to work with owners, developers, and builders to make nonsubstantive changes, within the scope of this article, to plans, permits and other requirements after approval by staff, city council or the tree board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this article.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

This is an opportunity if the Commission would like to discuss the rules of procedure or

any questions you might have regarding the Tree Board.

The Tree Board may use the same Chair and Vice-Chair as the Planning & Zoning Commission.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:



Item No. 10.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Approve Minutes of the June 3, 2024, Planning & Zoning Commission Meeting

SUMMARY:

Minutes from the previous Planning & Zoning Commission meeting for your approval.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. 06-03-2024 PZ Minutes

**MINUTES
PLANNING AND ZONING COMMISSION
June 3, 2024**

The Planning and Zoning Commission of the City of Anna held a meeting at 6:00 p.m. on June 3, 2024, 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 6:00 p.m.

Commissioners present were Kelly Patterson-Herndon, Jessica Walden, Matt Blanscet, Staci Martin, Douglas Hermann, Josh Vollmer. Commissioner Nylec was absent. Staff present were Lauren Mecke, Everett Johnson, and Assistant City Manager, Greg Peters. Also in attendance was Mayor Pete Cain.

2. Invocation and Pledge of Allegiance

Commissioner Blanscet 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 a 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 Martin, seconded by Commissioner Walden to recommend approval of consent items # 5-10. The vote was 5 yes and 1 abstain. Motion Passed.

5. Approve Minutes of the April 1, 2024 & May 6, 2024, Planning & Zoning Commission Meeting.

6. Approve a Resolution regarding the Anna Ranch, Phase 3, Site Plan

7. Approve a Resolution regarding the Anna Storage Addition, Block A, Lot 1R & 2, Replat. Applicant: A-Affordable Boat, RV & Mini Storage – Anna LLC

8. Approve a Resolution regarding the Anna Town Square Addition, Block A, Lot 2R, Final Plat. Applicant: Grand at Anna II Owner. LLC

9. Approve a Resolution regarding the Pine Woods Estates, Preliminary Plat. Applicant: Stephen Linville

10. Approve a Resolution regarding the Hurricane Creek Townhomes, Revised Preliminary Plat. Applicant: Travis Biber

Items for Individual Consideration

11. Consider/Discuss/Action regarding the Family Time Away Place, Final Plat. Applicant: Family Time Away, LLC

Ms. Mecke introduced the item as a replat for an existing property located in the Extraterritorial Jurisdiction also known as the ETJ. The property as it currently exists today is not in conformance due to no frontage on a public or private street. The existing property and ten properties surrounding it all share a fire lane easement, road easement, and utility easement. The applicant is requesting a waiver from the subdivision regulations as part of the replat.

A motion was made by Commissioner Blanscet, seconded by Commissioner Martin to recommend approval of item # 11. The vote was unanimous.

12. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend the Future Land Use Designation Place Type in the Future Land Use Plan of the Anna 2050 Comprehensive Plan, annex and zone 2.5± acres and rezone 20.5± acres located on North Powell Parkway from SF-E Single Family Residential-Large Lot to Multi-Family (MF) & Regional Commercial (C-2). Applicant: Anna Pkwy Development LLC

The Public Hearing was opened at 6:05 P.M.

Ms. Mecke introduced the item. This property is located on North Powell Parkway and future West Crossing Boulevard North, just south of the current Public Works Building. The applicant is proposing to have a multifamily and commercial development. The current Comprehensive Plan, Future Land Use Plan identifies the property as Ranching & Agriculture and Community Commercial. The preferred scenario diagram calls for Estate Residential and Community Commercial, therefore, the applicant is proposing to change the Future Land Use Plan for Regional Activity Center. As you can see, on future West Crossing Boulevard North is where the multifamily would face and then the commercial would be along North Powell Parkway. The zoning request is to rezone from the current zoning of SF-E to Multifamily and C-2 without any stipulations or changing any of the regulations. If the recommendation for the Comprehensive Plan is approved, it is in conformance with that. No letters of opposition have been received and the Planning and Zoning Commission can either make one motion or two motions, but I need a recommendation both for the comprehensive plan and for the zoning.

David Kalhoefer of Westwood Professional Services addressed the commissioners, the request brought before you, we feel like is complementary to the area and agree with staff comments.

There were no speaker cards

The Public Hearing was closed at 6:07 P.M.

A motion was made by Commissioner Martin, seconded by Commissioner Blanscet to recommend approval of item # 12 to include the Comprehensive Plan and the Rezoning. The vote was unanimous.

13. Consider/Discuss/Action regarding the Anna 23, Concept Plan. Applicant: Anna Pkwy Development LLC

This item is contingent on Item number 12.

A motion was made by Chairwoman Kelly Patterson-Herndon, seconded by Commissioner Walden to recommend approval of item # 13. The vote was unanimous

14. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 28± acres from SF-E Single Family Residential – Large Lot to Regional Commercial (C-2) Located at the southeast corner of Rosamond Parkway and U.S. Highway 75. Applicant: MJLA Adams LTD & Anna 18

The Public Hearing opened at 6:11 P.M.

Ms. Mecke introduced the item; the property was originally annexed into the city without an associated zoning case. A future developer is requesting to rezone it to C-2 Regional Commercial. The Comprehensive Plan identifies this area as Regional Activity Center. The zoning request is in conformance with the Comprehensive Plan, and the Planning and Zoning Commission shall make a recommendation to approve, deny or approve with conditions, we did receive one letter from one of the current property owners in favor.

Robert Lewis a Civil Engineer with Kimley-Horn addressed the Commissioners to inform them he was there if there were any questions.

There were no questions and no speaker cards.

The Public Hearing was closed at 6:13 P.M.

A motion was made by Commissioner Walden, seconded by Commissioner Martin to recommend approval of item # 14. The vote was unanimous

15. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend an existing Planned Development (Ord. No. 797-2018) on 5± acres located at the northwest corner of Rosamond Parkway and N. Powell Parkway to allow a self-storage (mini warehouse) and child-care center/nursery school, kindergarten by right. Applicant: Britton Church, Rosamond Powell Investment, LLC

The Public Hearing Opened at 6:14 P.M.

Ms. Mecke introduced the item, this is a request to amend an existing plan development, it is only a portion of the property and not the entire tract. In 2018, when the original plan development was established, there was not a concept plan associated with commercial development. It essentially said that there needs to be a certain amount of commercial preserved on this corner. This corner is a major corner in Anna with Rosamond and Highway 5, therefore commercial should be here. Over the years it has been very difficult to develop and in my four and half years I have seen multiple proposals but there used to be restrictions on alcohol sales so a gas station, most restaurants, and retail stores that sold alcohol couldn't be located here because it's right next to the middle school property. What the applicant is requesting is a portion of the track that is behind other commercial businesses to allow for self-storage, (Mini warehouse), childcare center, nursery school, kindergarten. In the PD Language it was very specific that it must use the uses from back in 2018 with no variance to this even if Ordinances were amended which has caused some confusion when talking to potential developers of the site. A day care would require a specific use permit and opening the Planned Development to allow this use by right is essentially the same process if you are to vote in favor. I also recommend taking into consideration possibly amending for indoor commercial amusement and hotel use. Back in 2012 we had a similar case where a self-storage facility was going in next to a single-family residence and due to that case, the zoning ordinance was amended to change hotel/motel to specific use permit. One other item is that in our new C-1 Zoning District the building size restriction is 15,000 SQFT so if you find that a self-storage facility is an appropriate land use, we will need to allow for a larger building than 15,000 SQFT.

No letters were received in opposition.

Chairwoman Kelly Patterson-Herndon asked for specific purposes, what building in comparison would be 15,000 Square Foot.

Ms. Mecke replied that she had pulled up another storage facility just for comparison, they have three buildings on their site, one is over 100,000 Square Foot, one is 25,000 Square Foot, and the other is just under 5,000 Square Foot. So, the Victoria Falls Strip Center is Close but may be slightly larger than 15,000 Square Foot.

Commissioner Hermann stated that the strip centers that are at the corner of FM 455 around Willow Creek and Nando's Tex Mex are about 10 to 15,000 FT.

Chairwoman Kelly Patterson-Herndon mentioned just wanting everyone to understand the perspective of 15,000 Square Feet and what it would look like footprint wise.

Commissioner Blanscet said that Ms. Mecke only mentioned this as part of the property, is that correct?

Ms. Mecke replied that is correct as you can see on the locator map as well as on their concept plan, it would only allow uses for the self-storage and daycare facility on this part of the tract so the applicant would not be allowed to have a daycare facility or a storage on the frontage of the Rosamond or North Powell Parkway.

Commissioner Blanscet asked for clarification if the outside of the tract is going to be businesses or just the two tracts on the inside.

Ms. Mecke Responded that the concept plan is showing retail along Rosamond, a car wash, gas station, several restaurants and more retail.

Commissioner Blanscet asked how tall the maximum height is?

Ms. Mecke replied that in the C-1 District the maximum building height is 35 FT.

Commissioner Vollmer asked for perspective how tall the self-storage on 455 in front of Avery Pointe is?

Ms. Mecke responded that she couldn't tell him the exact height, but it is under 35 FT.

Commissioner Vollmer asked if this would be like the one that was approved behind Lowe's in terms of looks around houses.

Ms. Mecke mentioned that one of the things that was changed in the zoning ordinance was the setback to single family for certain building heights. With this property you will have a detention area between the self-storage and the single family as well as the daycare.

Commissioner Walden asked if Ms. Mecke could go back to the slide where it had indoor commercial amusement listed.

Ms. Mecke stated that these are uses that she recommends looking at. If a self-storage doesn't work out or if a daycare doesn't work out possibly a commercial amusement makes sense here.

Commissioner Walden asked, if we approve the daycare and the storage, we could also approve this use.

Commissioner Hermann asked if there was a recommendation on what to change the building height to?

Ms. Mecke replied that the applicant did not specify.

Commissioner Hermann stated that the Commissioners want to make sure that whatever footprint they allow it will still fit within our parking code.

The Applicant was not present to address the Commissioners.

There were no speaker cards.

The Public Hearing was closed at 6:24 P.M.

Commissioner Vollmer asked if the item should be tabled until the applicant is able to address the questions.

A motion was made by Chairwoman Kelly Patterson-Herndon, seconded by Commissioner Walden to table until July 1st Planning & Zoning Commission Meeting. The vote was unanimous.

16. Consider/Discuss/Action regarding the Shadowbend Commercial, Concept Plan. Applicant: Britton Church, Rosamond Powell Investment, LLC

This item is contingent on item 15.

A motion was made by Chairwoman Kelly Patterson-Herndon, seconded by Commissioner Martin to table until July 1st Planning & Zoning Commission Meeting. The vote was unanimous.

17. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 0.22± acres located at the southwest corner of W. 4TH Street & S.Powell Parkway from Local Commercial (C-1) District within the Thoroughfare (THOR) Overlay District to Downtown Core (DT/CE). Applicant: Meltex, Inc.

The Public Hearing opened at 6:28 P.M.

Ms. Mecke introduced the item. The property is located on the next corner from the Municipal Complex and part of the reason why I wanted to highlight the Thor Overlay District is because if you read the Thor Overlay District, it requires a 50-foot building setback and only excludes the Downtown Zoning, not the downtown area but the downtown zoning. With that said, right now if someone were to come in and demolish the existing building on the property, they would not be able to do anything with it because there is also a 15-foot easement on the backside of the property. The applicant is also proposing to combine the two lots into one and therefore the downtown zoning district makes the most sense. The current Future Land Use Plan identifies it as Downtown, which means to refer to the Downtown Master Plan and it identifies this property as retail centers. The C-1 District, although currently in conformance, it would make the most sense to rezone to Downtown Zoning District.

No letters were received in opposition

The applicant was present for any questions the commissioners may have had.

The Public Hearing was closed at 6:30 P.M.

A motion was made by Commissioner Hermann, seconded by Commissioner Vollmer to Approve item # 17. The vote was unanimous.

18. Consider/Discuss/Action regarding the A.L. Geer Addition, Block A, Lot 1R, Replat. Applicant: Meltex, Inc.

This item is contingent on item number 17.

A motion was made by Chairwoman Kelly Patterson-Herndon, seconded by Commissioner Walden to approve item # 18. The vote was unanimous.

19. Work Program

Ms. Mecke introduced the item. Agenda item number 19 is for the Planning and Zoning Commission and Council Liaison to give staff some feedback essentially and for staff to communicate what is going on with our workload. Obviously over the last five months it has been challenging to lose both a director and planner. With our new director starting on Monday, I will have more time to focus on rezoning and fixing any challenges that we have with the current Zoning Ordinance.

Commissioner Vollmer mentioned it would be nice to see a map of where the multifamily zones are just to give a quick idea of how many areas and where they are.

Ms. Mecke responded that this is a map that she and the GIS Manager work together on and that it is an active map and that she would be happy to share that at the next meeting.

Commissioner Martin asked if this was just for the Multifamily?

Commissioner Vollmer stated this was what his request is.

Chairwoman Kelly Patterson-Herndon asked if this could be included every time a multifamily case came to Planning & Zoning.

Ms. Mecke responded that the annual review of the rules and regulations of P&Z states, if this were something they would like to add it can be added.

Ms. Mecke stated she wanted to highlight some of the things that she has put on there currently are things we have found in the new zoning ordinance that have been challenging to work with, rezoning downtown is a big project that I was supposed to have been working on, unfortunately, other things have got in the way and we have had a lot of zoning cases in the last five months.

The state law changed last year in September for zoning. If an existing land use is on a property and the property is rezoned to a district that the land use is no longer allowed, we are required to provide a special letter to all property owners. So, I wouldn't want to rezone all downtown and then suddenly, all these land uses be non-conforming, because that's a lot of letters to send out.

Commissioner Walden asked if the Commissioners could receive the packets before Friday after five.

Ms. Mecke stated that prior to losing the director and a planner the packets were sent out on Wednesday and hopefully we will get back on track soon.

Ms. Mecke mentioned that there have been so many zoning cases lately no less than two per meeting when compared to 2019 to 2020 when there was maybe one case every other meeting.

Commissioner Vollmer addressed Mayor Pete Cain and asked if when he gets settled in and a new council is settled if they could meet as a group to go over the Comprehensive Plan, some of the developments coming in and look at it to see if everybody's in alignment or conforming.

Commissioner Walden asked if staff had a plan that shows all the current construction going on? Not just the multifamily but all projects. Because some commissioners are new so some of the zoning cases that a few of us have seen multiple times, some of us haven't, so it would be good to see what had been up before.

Ms. Mecke mentioned the EDC map but due to the amount of development happening, the once-a-year update just isn't enough.

Adjourn

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Blanscet, to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 6:38 p.m.

ATTEST:

Lauren Mecke, Planning Manager



Item No. 11.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Approve a Resolution regarding the Parmore – Anna, Block A, Lot 1, Final Plat.
Applicant: Anna Town Center Mixed Use, LLC

SUMMARY:

Multiple-family residences on one lot on 9.9± acres located at the northeast corner of Finley Boulevard and Florence Way. Zoned: Planned Development (Ord. No. 942-2021).

The purpose of the Final Plat is to dedicate right-of-way, lot and block boundaries, and easements necessary for the multi-family dwelling development.

The Final Plat was originally approved by City Council in September 2021 and expired in 2023. It was recommended that the applicant wait until the Engineering Division inspects the public improvements before submitting the final plat for approval again. In the recently amended Subdivision Regulations, Final Plat approval is valid for six months. The Final Plat must be approved and filed with the County Clerk's Office before receiving a Certificate of Occupancy from the Building Official.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Final Plat is in conformance with the adopted Planned Development standards and city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the City Engineer.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Parmore-Anna, Block A, Lot 1 Final Plat Locator Map
2. RESOLUTION
3. Exhibit A - Parmore
4. Application

Final Plat - Parmore-Anna, Block A, Lot 1



CITY OF ANNA, TEXAS

PZ RESOLUTION NO. 2024-07- 0074

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING PARMORE-ANNA, BLOCK A, LOT 1, FINAL PLAT.

WHEREAS, In order to provide for the orderly development of land within the Anna city limits and extraterritorial jurisdiction, the City Council of the City of Anna, Texas has adopted Article 9.02 ("Subdivision Regulation") and Article 9.04 ("Zoning Ordinance") of the Anna City Code of Ordinances; and

WHEREAS, Anna Town Center Mixed Use, LLC has submitted an application for the approval of Parmore- Anna Block A, Lot 1, Final Plat; and

WHEREAS, the Final Plat conforms to the city's Subdivision Regulations and Zoning Ordinance; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Approval of Final Plat

The Planning & Zoning Commission hereby approves Parmore- Anna Block A, Lot 1, Final Plat attached hereto as Exhibit A subject to additions and/or alterations to the engineering plans as required by the City Engineer.

PASSED AND APPROVED by the Planning & Zoning Commission of the City of Anna, Texas, on this 1st day of July, 2024.

ATTEST:

APPROVED:

Director of Development Services,
Stephanie Scott- Sims, AICP

Planning & Zoning Commission, Chair

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: LOT 1, BLOCK A, PARMORE-ANNA / 2855654 Total Number of Acres: 9.9258

Zoning Classification(s): PD-MF-2

Total Number of Lots: 1

Location: 651 E FINLEY BLVD ANNA, TX 75409

Property Owner Information & Authorization

Name/Company: Parmore Anna Holdings, LLC

Address: 120 W. 7th Street

City: Anna

State: TX

Zip Code: 75409

Phone: 214-831-5364

Email: bparker@annatexas.gov

Project Representation (check one):

☒ I will represent the application myself; OR

☐ I hereby designate Blaze Bownds (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: [Signature]

Date: June 28, 2024

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Stan Carver II (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the above described application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN to before me this the 28th day of June, 2024



[Signature]
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: BLAZE BOWNDS

Company: KIMLEY-HORN

Address: 225 E JOHN W CARPENTER FREEWAY, SUITE 1100

City: IRVING

State: TX

Zip Code: 75062

Phone: 214-420-5600

Email: BLAZE.BOWNDS@KIMLEY-HORN.COM

Planning & Development Department

120 W 7th Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 12.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Everett Johnson

AGENDA ITEM:

Approve a Resolution regarding the Anna Retail Addition, Block A, Lot 8, Site Plan.
Applicant: David Claassen- Anna 31 Retail LP

SUMMARY:

Multi-family on one lot on 13± acres located on the west side of S. Buddy Hayes Boulevard, 755± feet south of W. White Street. Zoned Planned Development (Ord. No. 972-2022).

The purpose of the site plan is to show the proposed multi-family dwelling development and related site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Site Plan is in conformance with the adopted Planned Development standards and city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the City Engineer.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Anna Retail Addition, Block A, Lot 8 Site Plan Locator Map
2. Anna Retail Resolution
3. Exhibit A - Meryl Street SP
4. Application

Site Plan - Anna Retail Addition, Block A, Lot 8



THE CITY OF
Anna

N

Subject Property

City Limits

ETJ

0 150 300 600 Feet

June 2024

CITY OF ANNA, TEXAS

PZ RESOLUTION NO. 2024-07-0071

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RETAIL ADDITION, BLOCK A, LOT 8, SITE PLAN.

WHEREAS, In order to provide for the orderly development of land within the Anna city limits and extraterritorial jurisdiction, the City Council of the City of Anna, Texas has adopted Article 9.02 ("Subdivision Regulation") and Article 9.04 ("Zoning Ordinance") of the Anna City Code of Ordinances; and

WHEREAS, David Claassen-Anna 31 Retail LP has submitted an application for the approval of Anna Retail Addition, Block A, Lot 8, Preliminary Site Plan; and

WHEREAS, the Site Plan conforms to the city's Subdivision Regulations and Zoning Ordinance; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Approval of Site Plan

The Planning & Zoning Commission hereby approves Anna Retail Addition, Block A, Lot 8, Site Plan attached hereto as Exhibit A subject to additions and/or alterations to the engineering plans as required by the City Engineer.

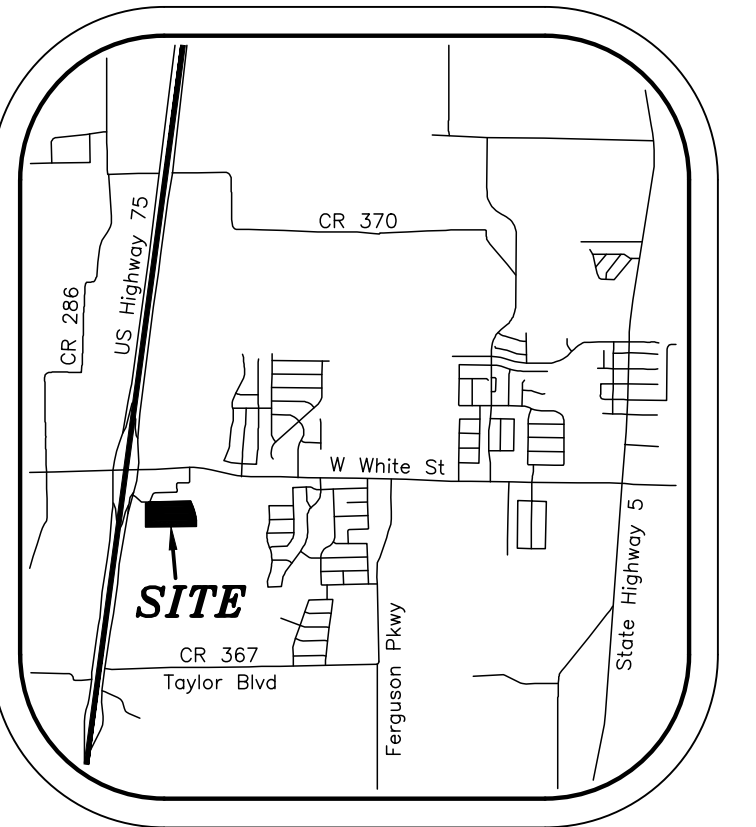
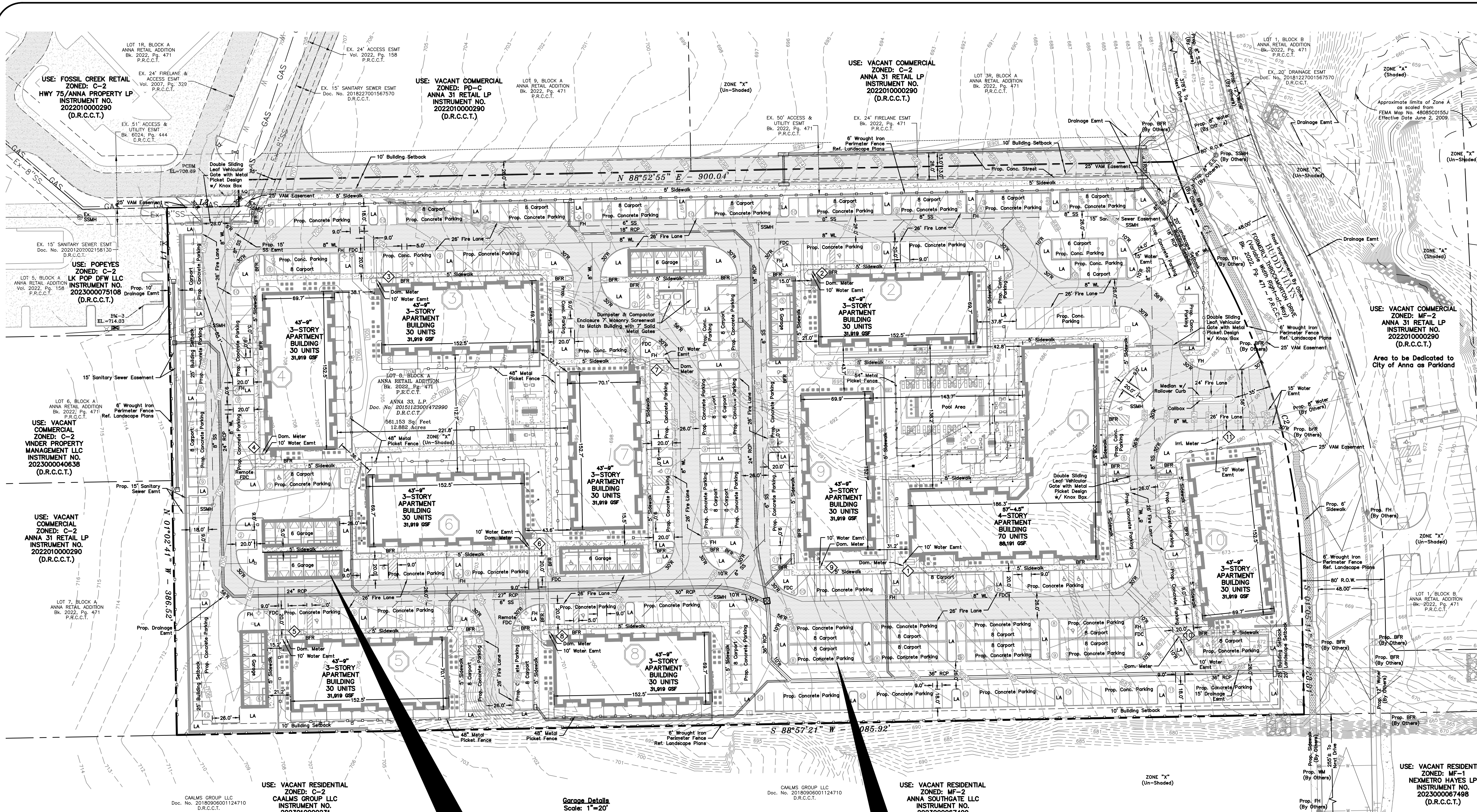
PASSED AND APPROVED by the Planning & Zoning Commission of the City of Anna, Texas, on this 1st day of July, 2024.

ATTEST:

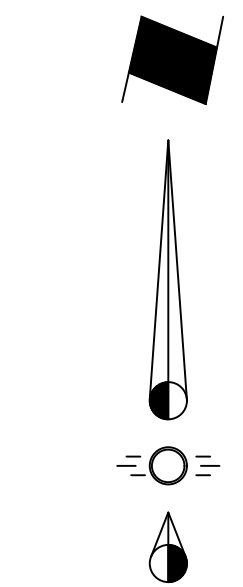
APPROVED:

Director of Development Services,
Stephanie Scott-Sims, AICP

Planning & Zoning Commission, Chair



VICINITY MAP
NTS



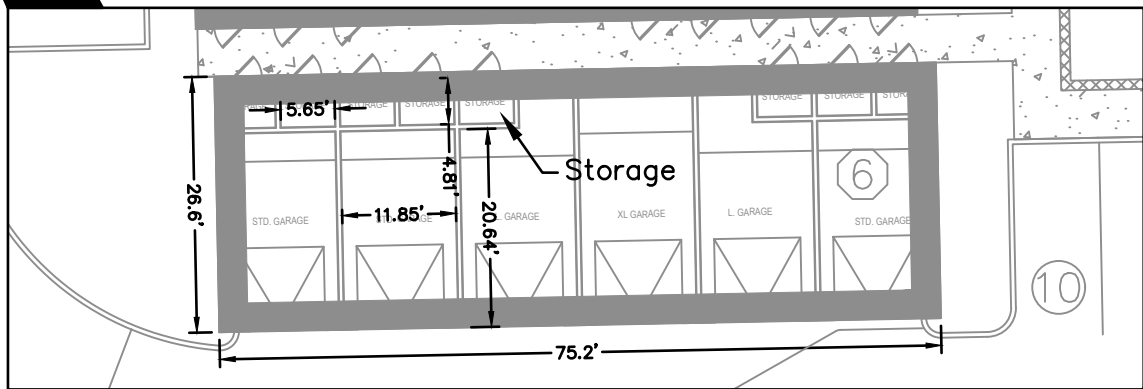
LEGEND

- Fireline
- Proposed Retaining Wall
- Proposed Wheel Stop Typical
- Existing Fire Hydrant
- Proposed Fire Hydrant
- BFR Barrier Free Ramp
- LA Landscape Area
- AC Unit
- Decorative Metal Fence
- Carport
- Remote FDC
- Existing S.S. MH
- Prop. S.S. MH
- ADA Parking Space
- Transformer

SITE DATA SUMMARY TABLE

Item	Lot
General Site Data	
Zoning (from zoning map)	PD w/ MF-2 Base ORD. NO. 972-2022
Land Use (from Zoning Ordinance)	Multi-Family
Lot Area (square feet and acres)	12,882 Acres
Building Footprint Area (square feet)	117,805 SF
Total Building Area (Square Feet)	375,462 SF
Building Height (# stories)	3-Stories/ 4-Stories
Building Height (feet-distance to tallest building element)	43'-9" / 57'-4.5"
Lot Coverage (Percent-x.xx%)	20.99%
Multifamily Units	
# of 1 bedrooms	240 Units
# of 2 bedrooms	100 Units
Total Unit Count	340 Units
Multifamily Parking	
Parking Ratio (from Zoning Ordinance)	0.25 Visitor per unit 1.5 per 1-bed Unit 2.0 per 2-bed unit
Required Visitor Parking (# spaces)	85 Spaces
Required parking per 1-bed unit (# spaces)	360 Spaces
Required parking per 2-bed unit (# spaces)	200 Spaces
Total Required Parking (# spaces)	645 Spaces
Total Provided Parking (# spaces)	645 Spaces
Accessible Parking Required (# spaces)	20 Spaces
Accessible Parking Provided (# spaces)	20 Spaces
Required Covered Parking excluding visitor (# spaces & percent - %)	280 Spaces (50% of 560)
Provided Covered Parking (# spaces & percent - %)	281 Spaces (50%)

Garage Details
Scale: 1"=20'



FLOOD ZONE NOTE:

Per Flood Insurance Rate Map No. 48085C0155J (effective date June 2, 2009) published by the Federal Emergency Management Administration for Collin County, Texas and based upon said scaled map and graphic plotting, such review revealed that the subject parcel lies within "ZONE X" (Un-Shaded) and is outside of the 100 Year Flood Plain and is determined to be outside the 0.2% annual chance floodplain.

PROJECT CONTROLLING BENCHMARK:

Obtained from Civil Construction Plans of Anna Retail Addition prepared by Westwood Professional Services, Inc., Project No. 0012918 and described as:

BENCHMARK #2 (PCBM) "PK" Nail 12' west from the end of the concrete drive south of Lot 1, Block A, Anna Retail Addition. Elevation = 708.69

SITE BENCHMARKS:

BM-1 = 'X' in southeast corner of the concrete driveway and on the east right-of-way of Throckmorton Drive, 62± southeast of the most northeast corner of Lot 3R, Block A, Anna Retail Addition. Elev. = 690.01

BM-2 = 'X' in southeast corner of the concrete driveway 64± southeast of the southeast corner of Lot 1, Block A, Love's Country Store Addition. Elev. = 694.16

BM-3 = 'X' in the center of a curve on top of a concrete curb at the southeast corner of the lot on the west adjoiner Lot 5, Block A, of Anna Retail Addition, 97± south of the most westerly northwest corner of the subject tract. Elev. = 714.63

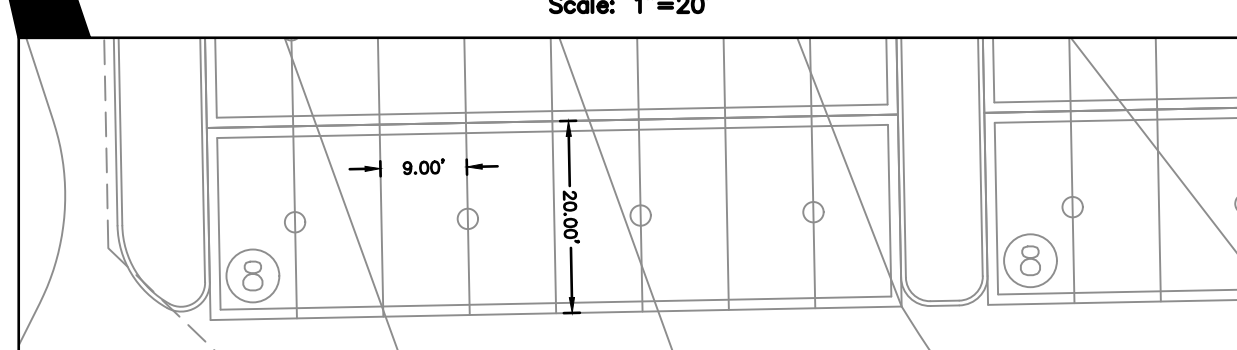
CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	8°58'50"	736.66'	115.47'	S 23°39'34" E	115.35'
C2	27°00'04"	660.00'	311.03'	S 14°35'12" E	308.16'

Note:

No Appurtenances Between the Height of 2.5' and 10' May be Placed in the Visibility Triangles.

Car Port Details
Scale: 1"=20'



WATER METER CHART

No.	Meter Type	Size
1	Domestic Meter	3"
2	Domestic Meter	2"
3	Domestic Meter	2"
4	Domestic Meter	2"
5	Domestic Meter	2"
6	Domestic Meter	2"
7	Domestic Meter	2"
8	Domestic Meter	2"
9	Domestic Meter	2"
10	Domestic Meter	2"
11	Irrigation Meter	2"

ARCHITECT:

Alto Architects
723 South Flores Street
San Antonio, TX 78204
Phone (210) 349-1163
Contact: Deepa Modadugu

OWNER:

Anna 31 Retail, LP
8400 Westchester Dr., Ste. 300
Dallas, TX 75225
Phone (214) 361-8300
Contact: David Claassen

ENGINEER:

Cross Engineering Consultants, Inc.
1720 W. Virginia St.
McKinney, Texas 75069
Phone (972) 562-4409
Fax (972) 562-4471
Contact: Jonathan Hoke, P.E.

SURVEYOR:

Ringley & Associates
701 S. Tennessee St.
McKinney, TX. 75069
Phone (972) 542-1266
Fax (972) 542-8682
Contact: Lawrence Ringley

APPROVED
July 1, 2024
P&Z COMMISSION
CITY OF ANNA

NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

CROSS ENGINEERING CONSULTANTS
1720 W. Virginia Street
75262.4409
McKinney, Texas 75069
Texas P.E. Firm No. F-5935

Drawn By: C.E.C.I. Checked By: C.E.C.I. Scale: 1"=50'

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF NICOLAS B. EHRINGER, P.E. NO. 146564 ON 07/03/2024. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

SITE PLAN

MERYL STREET MULTI-FAMILY ANNA RETAIL ADDITION LOT 8, BLOCK A
12,882 ACRES, ANNA, COLLIN COUNTY, TEXAS
THOMAS RATTON SURVEY, ABST 782
PREPARED DATE: 6/05/2024

Sheet No.

C-004

Project No.
23036

EXHIBIT A

23036 - MERYL STREET

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: R-9380-00A-0080-1 Total Number of Acres: 13
Zoning Classification(s): PD Total Number of Lots: 1
Location: SEC US75 and W. White Street

Property Owner Information & Authorization

Name/Company: David Claassen - Anna 31 Retail LP
Address: 8400 Westchester Drive, Suite 300
City: Dallas State: TX Zip Code: 75225-5710
Phone: 214-361-8300 Email: david@claasseninvestments.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Jonathan Hake (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

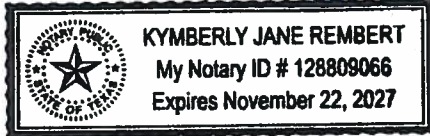
Property Owner's Signature: [Signature] Date: May 29, 2024

STATE OF: Texas

COUNTY OF: Collin Dallas

BEFORE ME, a Notary Public, on this day personally appeared David E. Claassen (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 29th day of May, 2024



[Signature]
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: Jonathan Hake
Company: Cross Engineering Consultants, Inc.
Address: 1720 W. Virginia Parkway
City: McKinney State: TX Zip Code: 75069
Phone: 972-957-5132 Email: jhake@crossengineering.biz

Planning & Development Department

120 W 7th Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 13.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Everett Johnson

AGENDA ITEM:

Approve a Resolution regarding the Westfield Addition, Block A, Lot 1 & 2, Replat.
Applicant : Windmill Self Storage, LP

SUMMARY:

Car Wash and Shopping Center on two lots on 2± acres located at the southeast corner of Westfield Drive and W. White Street. Zoned Local Commercial (C-1) and Planned Development (Ord. No. 539-2011).

The purpose of this Replat is to revise the common lot line of lots 1 & 2, Block A, Westfield addition.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Replat is in conformance with the city's Subdivision Regulations.

Recommend approval subject to additions and/or alterations to the engineering plans as required by the City Engineer and the on-site sewage facility review by Collin County Development Services.

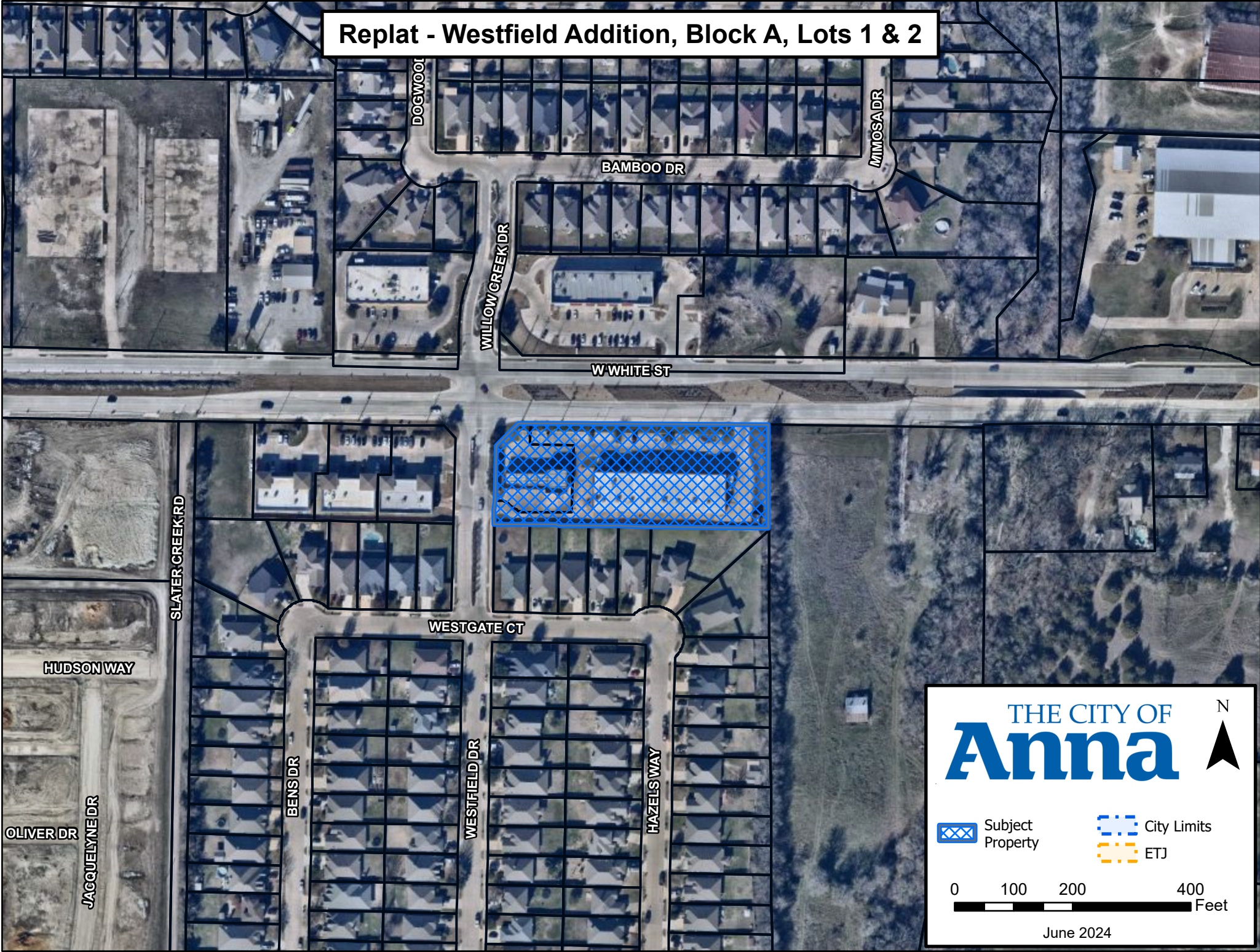
STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Westfield Addition, Block A, Lots 1 & 2 Replat Locator Map
2. Westfield addition
3. Exhibit A - westfield
4. Application

Replat - Westfield Addition, Block A, Lots 1 & 2



THE CITY OF
Anna



-  Subject Property
-  City Limits
-  ETJ



June 2024

CITY OF ANNA, TEXAS

PZ RESOLUTION NO. 2024-07-0073

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING WESTFIELD ADDITION, BLOCK A, LOT 1 & 2, REPLAT

WHEREAS, In order to provide for the orderly development of land within the Anna city limits and extraterritorial jurisdiction, the City Council of the City of Anna, Texas has adopted Article 9.02 ("Subdivision Regulation") and Article 9.04 ("Zoning Ordinance") of the Anna City Code of Ordinances; and

WHEREAS, a plat for the subject property was previously recorded with the Collin County Clerk's Office; and

WHEREAS, Windmill Self Storage, LP has submitted an application for the approval of the Westfield Addition, Block A, Lot 1 & 2, Replat; and

WHEREAS, the Replat conforms to the city's Subdivision Regulations and Zoning Ordinance; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Approval of Replat

The Planning & Zoning Commission hereby approves Westfield Addition, Block A, Lot 1 & 2, Replat attached hereto as Exhibit A subject to additions and/or alterations to the engineering plans as required by the City Engineer.

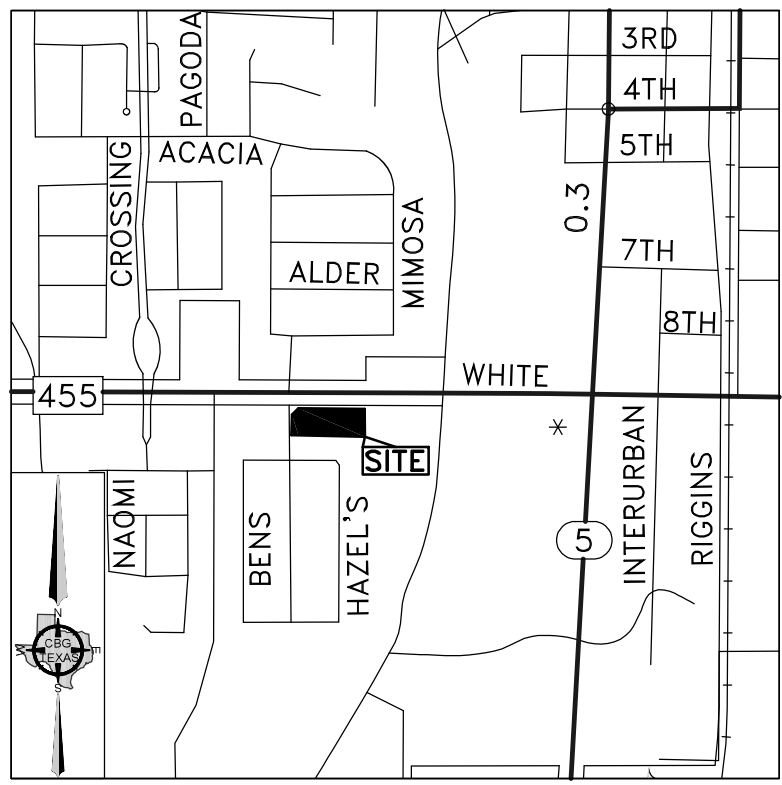
PASSED AND APPROVED by the Planning & Zoning Commission of the City of Anna, Texas, on this 1st day of July 2024.

ATTEST:

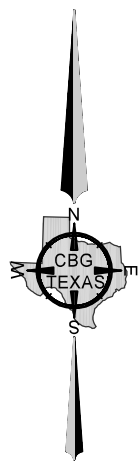
APPROVED:

Director of Development Services,
Stephanie Scott- Sims, AICP

Planning & Zoning Commission, Chair



VICINITY MAP
NOT TO SCALE



SCALE: 1" = 30'

LINE	BEARING	DISTANCE
L1	N 45°39'59" E	57.19'

LEGEND

D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
M.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
INST. NO. = INSTRUMENT NUMBER
VOL., PG. = VOLUME, PAGE
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
PFC = POINT FOR CORNER
1/2 IRF = 1/2 INCH IRON ROD FOUND
5/8 IRF = 5/8 INCH IRON ROD FOUND
ESMT. = EASEMENT
BL = BUILDING LINE
APPROX. = APPROXIMATE

GENERAL NOTES

1) COORDINATES AND BEARINGS SHOWN HEREON ARE ON GRID (THE PROJECTION PLANE), NOT SCALED, AND ARE TIED TO THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83(2011) EPOCH 2013), NORTH CENTRAL ZONE (4202).

2) THE PURPOSE OF THIS MAP IS TO SHOW THE COMMON LOT LINE OF LOTS 1 & 2, BLOCK A,

METES AND BOUNDS IS A VIOLATION OF THE STATUTES AND IS SUBJECT TO FINES AND S.

ICIENT CAPACITY OF UTILITIES.

CERTIFICATE OF APPROVAL

APPROVED on this the _____ day of _____, 20____, by the Planning & Zoning Commission, City of Anna, Texas.

Planning & Zoning Commission Chair

Director of Development Services

APPROVED
July 1, 2024
P&Z COMMISSION
CITY OF ANNA

SHEET 1 OF 2

REPLAT OF

WESTFIELD ADDITION

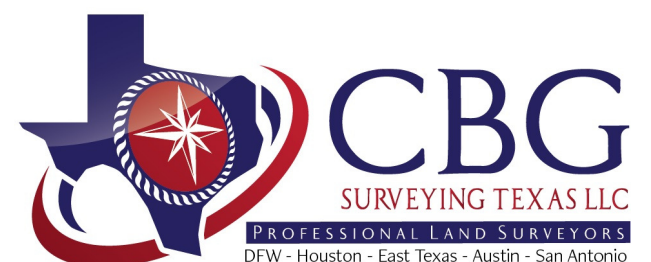
LOTS 1R & 2R, BLOCK A

79,204.57 SQ. FT. / 1.82 ACRES

CITY OF ANNA, COLLIN COUNTY, TEXAS

JOSEPH SCHLUTER SURVEY, ABSTRACT NO. 856

DATE OF PREPARATION: 06/11/2024



PLANNING & SURVEYING
Main Office
1413 East I-30, Ste. 7
Gorland, TX 75073
P 214.349.9485
F 214.481.8716
Firm No. 10168800
www.cbgtllc.com

OWNER: WINDMILL SELF STORAGE, LP.

AGENT: KAREN CATON

P.O. BOX 387

MCKINNEY, TEXAS 75070

PHONE: 469-525-5960

EMAIL: KCCATON@ATT.NET

SCALE: 1"=30' / DATE: 06/26/2024 / JOB NO. 2407301-01 / DRAWN BY: ANR

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS Windmill Self Storage, LP, is the owner of a 1.82 acre tract of land situated in the Joseph Schluter Survey, Abstract Number 856, City of Anna, Collin County, Texas, same being Lots 1 and 2, Block A of Westfield Addition, an addition to the City of Anna, Collin County, Texas, according to the map thereof recorded in Instrument Number 20060209010000470, Official Public Records, Collin County, Texas, same being that tract of land conveyed to Windmill Self Storage, LP, by Warranty Deed recorded in Instrument Number 20100920000999400, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner lying along the East Right-of-Way line of Westfield Drive (a 70 foot Right-of-Way), same being the Northwest corner of Lot 65, Block C of Westfield Addition, an addition to the City of Anna, Collin County, Texas, according to the map thereof recorded in Volume P, Page 895, Map Records, Collin County, Texas;

THENCE North 01 degree 18 minutes 05 seconds East, along the East Right-of-Way line of said Westfield Drive, a distance of 130.18 feet to a 1/2 inch iron rod set with a yellow cap stamped "CBG Surveying" for corner, said corner lying along the East Right-of-Way line of said Westfield Drive;

THENCE North 45 degrees 39 minutes 59 seconds East, a distance of 57.19 feet to a 1/2 inch iron rod set with a yellow cap stamped "CBG Surveying" for corner, said corner lying along the South Right-of-Way line of West White Street (a variable width Right-of-Way);

THENCE South 89 degrees 19 minutes 51 seconds East, along the South Right-of-Way line of said West White Street, a distance of 419.59 feet to a 1/2 inch iron rod set with a yellow cap stamped "CBG Surveying" for corner, said corner lying along the South Right-of-Way line of said West White Street, same lying along the West line of a tract of land conveyed to Harlow Land Co. Ltd. by deed recorded in Volume 4617, Page 2624, Deed Records, Collin County, Texas;

THENCE South 00 degree 19 minutes 51 seconds East, along the West line of said Harlow Land tract, a distance of 175.76 feet to a 5/8 inch iron rod found for corner, said corner being the Northeast corner of Lot 60, Block C, of said Westfield Addition;

THENCE North 88 degrees 41 minutes 55 seconds West, along the North line of said Lot 60, a distance of 464.56 feet to the POINT OF BEGINNING and containing 79,204.57 square feet or 1.82 acres of land.

LEGEND

D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
M.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
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5/8 IRF = 5/8 INCH IRON ROD FOUND
ESMT. = EASEMENT
BL = BUILDING LINE
APPROX. = APPROXIMATE

GENERAL NOTES

- 1) COORDINATES AND BEARINGS SHOWN HEREON ARE ON GRID (THE PROJECTION PLANE), NOT SCALED, AND ARE TIED TO THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83(2011) EPOCH 2013), NORTH CENTRAL ZONE (4202).
2) THE PURPOSE OF THIS REPLAT IS TO REVISE THE COMMON LOT LINE OF LOTS 1 & 2, BLOCK A, WESTFIELD ADDITION.
3) NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.
4) THE PROPERTY OWNER IS RESPONSIBLE FOR SUFFICIENT CAPACITY OF UTILITIES.

FLOOD NOTE

According to my interpretations of the Collin County, Texas and Incorporated Areas, Flood Insurance Rate Map Number 48085C0160J, dated June 02, 2009, the subject property lies within flood Zone "X" and is not shown to be within a Special Flood Hazard Area. This statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the surveyor.

Health Department Certification:

I, as a representative of Collin County Development Services, do hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Designated Representative for Collin County Development Services

Health Department Certification:

I, as a representative of Collin County Development Services, do hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Designated Representative
Collin County Development Services

CERTIFICATE OF APPROVAL

APPROVED on this the _____day of _____, 20____, by
the Planning & Zoning Commission, City of Anna, Texas.

Planning & Zoning Commission Chair

EXHIBIT A
Sheet 2 of 2

OWNER DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Windmill Self Storage, LP., acting by and through their duly authorized agent, Karen Caton, does hereby adopt this plat designating the hereinabove described property as **WESTFIELD ADDITION, LOTS 1R & 2R, BLOCK A**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Anna. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Anna.

WITNESS, my hand at Garland, Texas, this the _____ day of _____, 2024.

BY: _____
Windmill Self Storage, LP. (Owner)
Karen Caton (Agent)

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Karen Caton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2024.

Notary Public in and for Collin County, Texas.

SURVEYOR'S STATEMENT

I, Bryan Connally, do hereby certify that i prepared this plat from an actual survey of the land and that the corner monuments shown thereon were properly placed under my supervision in accordance with the platting rules and regulations of Collin County.
Dated this the_____ day of _____, 2024.

RELEASED FOR REVIEW 06/26/2024 PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Bryan Connally
Texas Registered Professional Land Surveyor No. 5513

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Bryan Connally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2024.

Notary Public in and for the State of Texas

APPROVED
July 1, 2024
P&Z COMMISSION
CITY OF ANNA

SHEET 2 OF 2
REPLAT OF
WESTFIELD ADDITION
LOTS 1R & 2R, BLOCK A
79,204.57 SQ. FT. / 1.82 ACRES
CITY OF ANNA, COLLIN COUNTY, TEXAS
JOSEPH SCHLUTER SURVEY, ABSTRACT NO. 856
DATE OF PREPARATION: 06/11/2024



OWNER: WINDMILL SELF STORAGE, LP.
AGENT: KAREN CATON
P.O. BOX 387
MCKINNEY, TEXAS 75070
PHONE: 469-525-5960
EMAIL: KCCATON@ATT.NET

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: 2598364 + 2598363 Total Number of Acres: 1.44 + .38
Zoning Classification(s): PD-C/C1 Total Number of Lots: 2
Location: 701 + 721 W White St Anna, TX 75409

Property Owner Information & Authorization

Name/Company: Windmill Self Storage, LP
Address: P.O. Box 387
City: McKinney State: TX Zip Code: 75070
Phone: (972) 562-0777 Email: Kccaton@att.net

Project Representation (check one):

- ☒ I will represent the application myself; OR
☐ I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

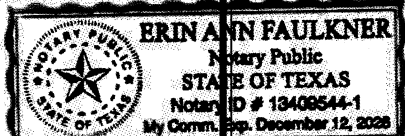
Property Owner's Signature: [Signature] Date: 6-4-2024

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Karen C. Caton
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 4th day of June, 2024



[Signature]
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Planning & Development Department

120 W 7th Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 14.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Approve a Resolution regarding the Rosamond Crossing, Block A, Lots 1-11, Preliminary Site Plan. Applicant: MJLA Adams LTD, Anna 18 LLC

SUMMARY:

Shopping Centers on two lots, Grocery store with fuel pumps on two lots, six C-2 lots, and one detention lot on 29.74± acres located on the southeast corner of Rosamond Parkway and U.S. Highway 75. The Planning & Zoning Commission recommended approval of rezoning from SF-E Single-Family – Large Lot to Regional Commercial (C-2) at the June 3, 2024, meeting; Public Hearing scheduled for June 25, 2024, Council meeting.

The purpose of the Preliminary Site Plan is to propose site improvements for the future construction of the regional commercial development.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Preliminary Site Plan is in conformance with the adopted Planned Development standards and city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the City Engineer.

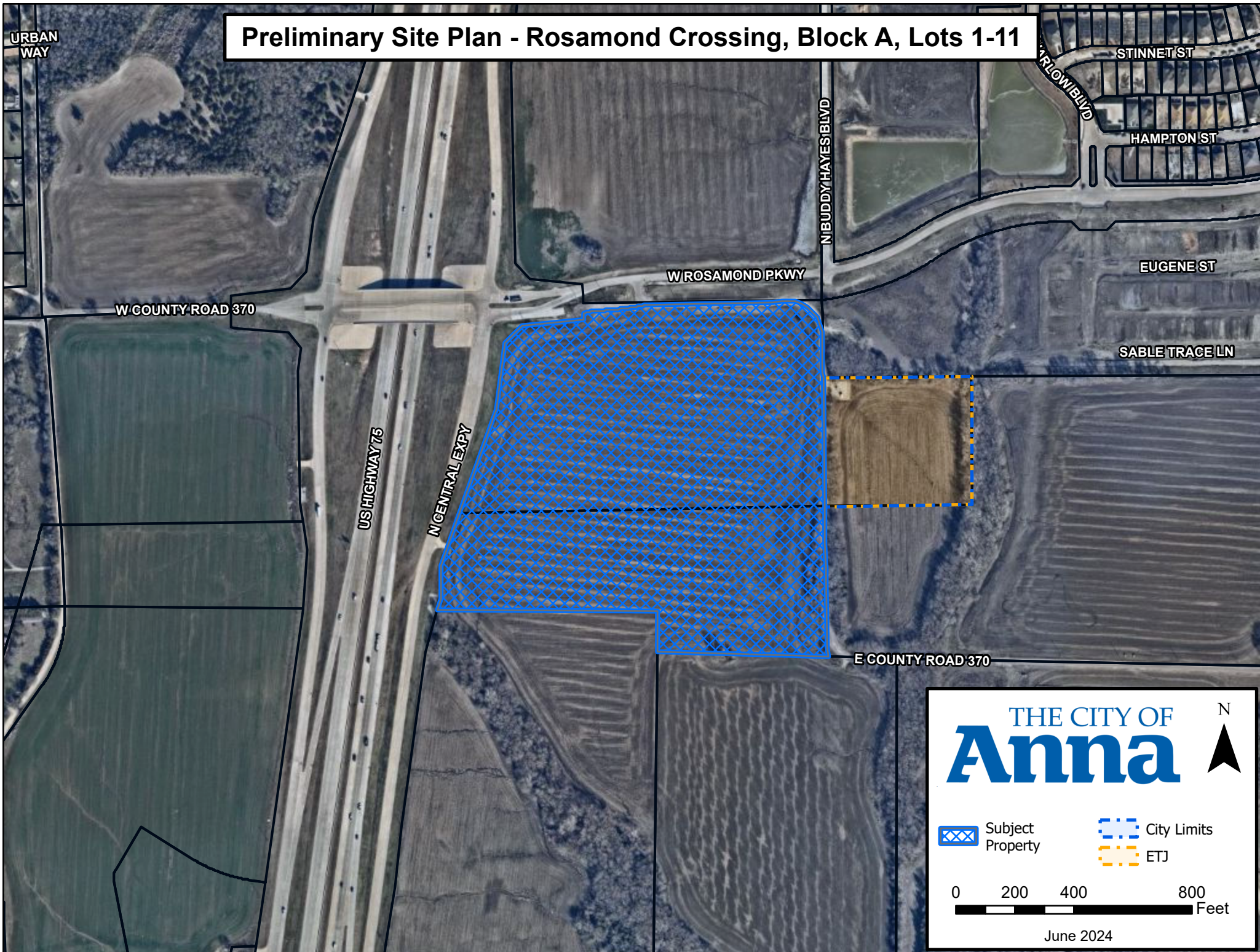
STRATEGIC CONNECTIONS:

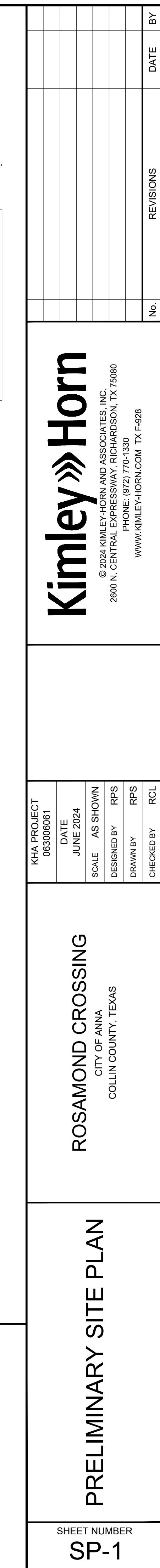
This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Rosamond Crossing, Block A, Lots 1-11 Preliminary Site Plan Locator Map
2. Exhibit A - (PSP) Rosamond Crossing
3. 20240626 - Rosamond Crossing Lots 2-4 Waiver Letter
4. application - rosamond xing

Preliminary Site Plan - Rosamond Crossing, Block A, Lots 1-11





This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kinley-Horn and Associates, Inc. shall be without liability to Kinley-Horn and Associates, Inc.

SITE DATA SUMMARY TABLE											
GENERAL SITE DATA	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11
PROPOSED ZONING	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2
PROPOSED USE	Grocery Store	-	-	-	-	-	Convenience Store, Fuel Pumps	-	Retail Store	Retail Store	Detention Pond
GROSS SITE AREA (ACRES, SQ. FT.)	27.3577 ACRES/1,191,701.62 SQ. FT.										
LOT AREA (SQ.FT.)	528,300	51,654	42,440	47,745	57,961	64,874	6,918	70,596	71,194	92,508	95,166
LOT ACREAGE (ACRES)	12.13	1.19	0.97	1.10	1.33	1.49	1.59	1.62	1.64	2.12	2.18
LOT DIMENSIONS (FT)	812' X 648'	265 X 194'	265' X 160'	265' X 180'	323' X 183'	323' X 183'	191' X 364'	162' X 378'	213 X 377	245' X 377'	N/A
BUILDING AREA (SQ. FT.)	123,000	-	-	-	-	-	175	-	11,385	8,890	-
MAXIMUM BUILDING HEIGHT (FT.)	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	20 FT.	35 FT.	35 FT.	35 FT.	-
FLOOR AREA RATIO	0.235	-	-	-	-	-	0.003	-	0.160	0.096	-
PERVIOUS AREA (%)	40.23	-	-	-	-	-	16.43	-	37.26	34.25	-
IMPERVIOUS AREA (%)	59.77	-	-	-	-	-	83.57	-	62.74	65.75	-
PARKING											
REQUIRED PARKING RATIO	4 SPACES / 1,000 SF	-	-	-	-	-	4 SPACES / 1,000 SF	-	4 SPACES / 1,000 SF	4 SPACES / 1,000 SF	-
REQUIRED PARKING	492 SPACES	-	-	-	-	-	1	-	46 SPACES	36 SPACES	-
PARKING PROVIDED	500 SPACES	-	-	-	-	-	9	-	75 SPACES	73 SPACES	-
ACCESSIBLE SPACES REQUIRED	11	-	-	-	-	-	1	-	3	2	-
ACCESSIBLE SPACES PROVIDED	12	-	-	-	-	-	1	-	3	2	-
LOADING SPACES REQUIRED	3 SPACES	-	-	-	-	-	-	-	-	-	-
LOADING SPACES PROVIDED	3 SPACES	-	-	-	-	-	-	-	-	-	-
OPEN SPACE REQUIRED	N/A	-	-	-	-	-	N/A	-	N/A	N/A	-
OPEN SPACE PROVIDED	N/A	-	-	-	-	-	N/A	-	N/A	N/A	-

PRELIMINARY SITE PLAN
ROSAMOND CROSSING
(LOTS 1-11, BLOCK A) ±27.3577 ACRES
(R.O.W. DEDICATION) ±0.9984 ACRES
JOHN ELLIOT SURVEY, ABSTRACT NO. 296
City of Anna, Collin County, Texas
Submitted 06/27/2024

<u><i>Owner:</i></u> Anna 18 LLC 2705 Clublake Trail McKinney, TX 75052 Contact: Don Collins Phone: (972) 547-7653	<u><i>Developer:</i></u> The Seitz Group, Inc. 2000 E Cowan road Celina, TX 75008 Contact: Eric Seitz Phone: (214) 705-1078	<u><i>Engineer:</i></u> Kimeley-Horn and Associates, Inc. 2600 N Central Expressway, Ste 400 Richardson, Texas 75080 Contact: Jonathan Kerby, P.E. Phone: 972-747-1300
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SHEET NUMBER					
SP-2					
SITE DATA TABLE			ROSAMOND CROSSING CITY OF ANNA COLLIN COUNTY, TEXAS		
KHA PROJECT 063008081	DATE JUNE 2024		SCALE AS SHOWN	DESIGNED BY RPS	DRAWN BY RPS
			CHECKED BY RCL		
Kimley»Horn © 2024 KIMLEY-HORN AND ASSOCIATES, INC. 2600 N. CENTRAL EXPRESSWAY, RICHARDSON, TX 75080 PHONE: (972) 770-1330 WWW.KIMLEY-HORN.COM TX F-628					
				No.	REVISIONS
					DATE
					BY



June 26th, 2024

Lauren Mecke
City of Anna
120 E. 7th St, Ste. #142
Anna, TX 75409

Dear Ms. Mecke

The Owner of this property is requesting a waiver of City of Anna Ordinance No. 9.02.087(b):

"Minimum frontage on a public street. Each lot on a subdivision plat shall front onto a dedicated, improved public street, unless platted as an approved private street subdivision in accordance with these subdivision regulations. All lots shall have a minimum of 40 feet of frontage along the property line of a dedicated, improved street unless other provisions have been authorized under article 9.04 or an approved planned development district."

Lots 2, 3, and 4 will have access to U.S. Highway 75 Frontage Road, Rosamond Parkway, and Buddy Hayes Parkway with 24' - 30' fire lanes.

Regards,

A handwritten signature in black ink that reads "Rob Lewis". The signature is written in a cursive, slightly slanted style.

Rob Lewis, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: 2745487 Total Number of Acres: 17.86
Zoning Classification(s): SF-E (AG) Total Number of Lots: 1
Location: SOUTH-EAST CORNER OF ROSAMOND PKWY AND US 75

Property Owner Information & Authorization

Name/Company: ANNA 18 LLC
Address: 2705 CLUBLAKE TRAIL
City: McKINNEY State: TEXAS Zip Code: 75072
Phone: 972-924-3616 Email: _____

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Robert C. Lewis (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

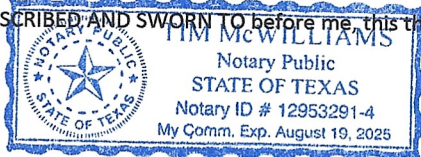
Property Owner's Signature: [Signature] Date: 4/18/24

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Don Collins (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 18 day of April, 2024



[Signature]
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: ROBERT C. LEWIS
Company: KIMLEY-HORN AND ASSOCIATES INC.
Address: 2600 N CENTRAL EXPRESSWAY, SUITE 400
City: RICHARDSON State: TEXAS Zip Code: 75080
Phone: (972) 776-1701 Email: Rob.Lewis@kimley-horn.com

Planning & Development Department

120 W 7th Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 15.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Continue the Public Hearing/Consider/Discuss/Action on a request to amend an existing Planned Development (Ord. No. 797-2018) on 5± acres located at the northwest corner of Rosamond Parkway and N. Powell Parkway to allow a self-storage (mini-warehouse) and child-care center/nursery school, kindergarten by right. Applicant: Britton Church, Rosamond Powell Investment, LLC

SUMMARY:

The Planning & Zoning Commission voted to table this item at the June 3, 2024 meeting.

At its meeting on December 11, 2018, the City Council approved the rezoning of the property to Planned Development with a base zoning of Local Commercial (C-1) (Ord. No. 797-2018). The Planned Development ordinance established the allowed uses on the property. The request is to amend the allowable uses on the property.

Item #16 on this agenda is the concept plan associated with this request, Shadowbend Commercial, Block A, Lots 1-14 (Exhibit A).

REMARKS:

The Planned Development ordinance provides that permitted uses on the property are those as allowed within the C-1 district "of the current Zoning Ordinance at the time of adoption of this ordinance." The Planned Development ordinance specifies other uses permitted by right and by specific use permit (SUP).

The use chart in the Planned Development ordinance for the property is below. Uses followed by an "(S)" require a SUP.

Residential uses	• Bed-and-breakfast facility • Boarding or rooming house • Residence hotel	• Retirement housing (S) • Servant's, caretaker's or guard's res. (S)
Educational, institutional, and	• <u>Child-care center</u> (S)	• Registered family home

special uses	• Church, rectory, place of worship • Civic Center (S) • Community Center, public • Community Center, private • Continuing care facility • Fraternal organization, lodge, or civic club (S) • Health club, gymnasium • Library • Museum or art gallery • <u>Nursery school, kindergarten (S)</u> • Park, playground, or rec. center (public) • Park, playground, or rec. center (private) (S)	• (S) • Rest home or nursing home (S) • School, private (primary and/or secondary) • School, public (primary and/or secondary) • School, trade or commercial (S) • Stadium or playfield, public • Swimming pool, commercial (S) • Swimming pool, private (S)
Transportation, utility, and communication uses	• Electrical substation • Gas metering station (S)	• Service yards of government agency (S) • Telephone exchange
Automobile and related service uses	• Auto parts sales (inside) • Auto repair, minor • Automobile service station • Car wash • Motorcycle sales and service (S)	• Parking lot of parking garage, automobile • Quick oil change facility • Quick tune-up facility • Tire dealer (no outside storage)
Office, retail, commercial, and service type uses	• Amusement, commercial (indoor) (S) • Antique shop • Arcade (S) • Arts, crafts store (inside sales) • Bakery and confectionary, retail sales • Bakery and confectionery, commercial (S) • Bank, savings and loan, credit union • Barber shop	• Metal dealer, crafted precious • Motel, motor hotel, motor lodge • Office center • Office, prof. or general administrative • Office – showroom/warehouse (S) • Personal service shop • Pet shop • Medical supplies, sales

- Beauty culture school, cosmetology spec. shop
- Beauty shop
- Bowling alley
- Bldg. materials, hardware (inside storage)
- Bldg. materials, hardware (outside storage) (S)
- Cleaning and dyeing small shop (S)
- Clinic, medical or dental
- Convenience store
- Custom personal service shop
- Discount, variety, or department store
- Drapery, needlework, or weaving shop
- Feed and farm supply (inside sales/storage) (S)
- Florist
- Food and beverage store
- Food store; grocery store
- Furniture, appliance store (inside storage)
- Furniture, appliance store (outside storage) (S)
- Garden Center (retail sales)
- General merchandise store
- Gymnastic or dance studio
- Handcraft shop
- Hospital (acute care)
- Hotel
- Household appliance service and repair (S)
- Laboratory, medical or dental
- Landry and cleaning, self-service
- Massage therapy facility
- and service (S)
- Pharmacy
- Post Office, government and private
- Print shop (S)
- Private clubs (S)
- Racquetball facilities (S)
- Restaurant or cafeteria, with drive-in or drive-through service
- Restaurant or cafeteria, without drive-in or drive-through service
- Restaurant, with drive-in service
- Restaurant, with drive-through service
- Retail ice and dispensed water sales (S)
- Retail shops and stores other than listed
- Secondhand store, furniture/clothing (S)
- Service, retail
- Shopping center
- Studio (photographer, musician, artist)
- Studio for radio and television
- Tanning salon
- Taxidermist (S)
- Theater (indoor)
- Veterinarian clinic (no outside pens) (S)
- Veterinarian clinic (outside pens) (S)
- Washateria

**Manufacturing,
storage and
warehousing uses**

Accessory and incidental uses

- Accessory building to main use
- Construction yard (temporary)
- Field or sales office, temporary
- Garage, private
- Swimming pool, private (S)
- Wind energy system (S)

The applicant is requesting to allow self-storage (mini-warehouse) and child-care center uses as permitted uses by right on the property. . According to the Planned Development ordinance for the property, self-storage (mini warehouse) is not a permitted use. Child care centers are permitted by specific use permit. Any standards or restrictions in the current ordinance must be followed.

CONCLUSION:

The zoning amendment request is to allow additional uses of self-storage (mini-warehouse) and child-care center/nursery school, kindergarten on five acres of the total 18.8± acre tract.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

If the Commission votes in favor of the zoning amendment request, below are recommended restrictions (removed text is in ~~red, strikethrough font~~; added text is in green, underlined font):

Restrictions:

Commercial - Permitted at the intersection of State Highway 5 and Rosamond Parkway with a minimum acreage of eight (8) acres and a maximum of twenty (20) acres.

General Description: Commercial shall be developed at the northwest corner of State Highway 5 and Rosamond Parkway. This area is intended to establish the ability to develop significant retail, commercial, service, and offices uses serving regional and city-wide needs.

Permitted Uses: Uses permitted within the Commercial tract are those permitted within the "C-1 - Restricted Commercial" district of the current Zoning Ordinance at the time of adoption of this ordinance as well as the following listed uses. Uses followed by an **S** may be approved as a Specific Use Permit.

- Motel, motor hotel, or motor lodge
- Hospital (acute care)
- Rest home or nursing home

- Auto repair, minor
- Car wash
- Tire dealer (no outside storage)
- Discount, variety, or department store
- Laboratory, medical or dental
- Office-showroom / warehouse **S**
- Service, retail
- Veterinarian clinic (outside pens) **S**
- Washateria
- Self-storage (mini-warehouse)*
- Child-care center/Nursey school, kindergarten*
- Amusement, indoor commercial*

*The location of the self-storage (mini-warehouse) and child-care center/nursery school, kindergarten are restricted to five acres as shown on the Zoning Exhibit (Exhibit A). If developed as self-storage (mini-warehouse) and child-care center/nursery school, kindergarten, it shall be in substantial conformance with the Shadowbend Commercial, Concept Plan (Exhibit B).

Commercial Regulations: Except as amended below, the Commercial tract shall be developed in accordance with the regulations established for the "C-1 - Restricted Commercial" district of the Zoning Ordinance, as presently existing or as they may be amended.

1. Maximum Building Height: Thirty-five (35) feet.
2. Maximum Lot Coverage: Seventy (70) percent.

Additional Non-Residential Standards: The following items shall be implemented for the Non-Residential land area:

1. A minimum six foot (6') tall masonry screening wall shall be constructed along the common property line with the Single Family Residential district. A wall maintenance easement five (5) feet in width shall be dedicated on adjacent properties at the time of platting of these properties.
2. The construction of the masonry screening wall shall only be required adjacent to that specific property that is to be developed, whether the development is Non-Residential or Single Family Residential.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. PD Amendment Zoning Locator Map
2. PZ - STAFF REPORT (Zoning) Shadowbend Commercial
3. Exhibit A (ZE) Shadowbend Commercial
4. Exhibit B (CP) Shadowbend Commercial
5. 797-2018
6. Application

Zoning - PD Amendment



THE CITY OF
Anna

N

Subject Property

City Limits

ETJ

200' Notice Boundary

0 150 300 600 Feet

May 2024

CITY OF ANNA

PLANNING & ZONING COMMISSION

June 3, 2024

Public Hearing: Zoning Amendment – Shadowbend Commercial

Applicant: Britton Church, Rosamond Powell Investment, LLC

DESCRIPTION:

Conduct a Public Hearing/Consider/Discuss/Action on a request to amend an existing Planned Development (Ord. No. 797-2018) on 5± acres located at the northwest corner of Rosamond Parkway and N. Powell Parkway to allow a self-storage (mini-warehouse) and child-care center/nursery school, kindergarten by right.

SUMMARY:

The Planning & Zoning Commission voted to table this item at the June 3, 2024 meeting.

At its meeting on December 11, 2018, the City Council approved the rezoning of the property to Planned Development with a base zoning of Local Commercial (C-1) (Ord. No. 797-2018). The Planned Development ordinance established the allowed uses on the property. The request is to amend the allowable uses on the property.

Item #16 on this agenda is the concept plan associated with this request, Shadowbend Commercial, Block A, Lots 1-14 (Exhibit A).

REMARKS:

The Planned Development ordinance provides that permitted uses on the property are those as allowed within the C-1 district “of the current Zoning Ordinance at the time of adoption of this ordinance.” The Planned Development ordinance specifies other uses permitted by right and by specific use permit (SUP).

The use chart in the Planned Development ordinance for the property is below. Uses followed by an “(S)” require a SUP.

Residential uses	• Bed-and-breakfast facility • Boarding or rooming house • Residence hotel	• Retirement housing (S) • Servant’s, caretaker’s or guard’s res. (S)
Educational, institutional, and special uses	• <u>Child-care center (S)</u> • Church, rectory, place of worship • Civic Center (S) • Community Center, public	• Registered family home (S) • Rest home or nursing home (S)

	• Community Center, private • Continuing care facility • Fraternal organization, lodge, or civic club (S) • Health club, gymnasium • Library • Museum or art gallery • <u>Nursery school, kindergarten (S)</u> • Park, playground, or rec. center (public) • Park, playground, or rec. center (private) (S)	• School, private (primary and/or secondary) • School, public (primary and/or secondary) • School, trade or commercial (S) • Stadium or playfield, public • Swimming pool, commercial (S) • Swimming pool, private (S)
Transportation, utility, and communication uses	• Electrical substation • Gas metering station (S)	• Service yards of government agency (S) • Telephone exchange
Automobile and related service uses	• Auto parts sales (inside) • Auto repair, minor • Automobile service station • Car wash • Motorcycle sales and service (S)	• Parking lot of parking garage, automobile • Quick oil change facility • Quick tune-up facility • Tire dealer (no outside storage)
Office, retail, commercial, and service type uses	• Amusement, commercial (indoor) (S) • Antique shop • Arcade (S) • Arts, crafts store (inside sales) • Bakery and confectionary, retail sales • Bakery and confectionery, commercial (S) • Bank, savings and loan, credit union • Barber shop • Beauty culture school, cosmetology spec. shop • Beauty shop • Bowling alley • Bldg. materials, hardware (inside storage) • Bldg. materials, hardware (outside storage) (S) • Cleaning and dyeing small shop (S) • Clinic, medical or dental • Convenience store • Custom personal service shop • Discount, variety, or department store • Drapery, needlework, or weaving shop • Feed and farm supply (inside sales/storage) (S) • Florist • Food and beverage store • Food store; grocery store • Furniture, appliance store (inside storage)	• Metal dealer, crafted precious • Motel, motor hotel, motor lodge • Office center • Office, prof. or general administrative • Office – showroom/warehouse (S) • Personal service shop • Pet shop • Medical supplies, sales and service (S) • Pharmacy • Post Office, government and private • Print shop (S) • Private clubs (S) • Racquetball facilities (S) • Restaurant or cafeteria, with drive-in or drive-through service • Restaurant or cafeteria, without drive-in or drive-through service • Restaurant, with drive-in service • Restaurant, with drive-through service • Retail ice and dispensed water sales (S) • Retail shops and stores other than listed • Secondhand store, furniture/clothing (S)

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Manufacturing, storage and warehousing uses		
Accessory and incidental uses	• Accessory building to main use • Construction yard (temporary) • Field or sales office, temporary	• Garage, private • Swimming pool, private (S) • Wind energy system (S)

The applicant is requesting to allow self-storage (mini-warehouse) and child-care center uses as permitted uses by right on the property. . According to the Planned Development ordinance for the property, self-storage (mini warehouse) is not a permitted use. Child care centers are permitted by specific use permit. Any standards or restrictions in the current ordinance must be followed.

CONCLUSION:

The zoning amendment request is to allow additional uses of self-storage (mini-warehouse) and child-care center/nursery school, kindergarten on five acres of the total 18.8± acre tract.

If the Commission is in favor of the proposed modification, Staff recommends a third additional permitted use of indoor commercial amusement and prohibiting hotel and related uses on the five-acre area.

RECOMMENDATION:

If the Commission votes in favor of the zoning amendment request, below are recommended restrictions (added text is in green, underlined font):

Restrictions:

Commercial - Permitted at the intersection of State Highway 5 and Rosamond Parkway with a minimum acreage of eight (8) acres and a maximum of twenty (20) acres.

General Description: Commercial shall be developed at the northwest corner of State Highway 5 and Rosamond Parkway. This area is intended to establish

the ability to develop significant retail, commercial, service, and offices uses serving regional and city-wide needs.

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- Car wash
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- Office-showroom / warehouse **S**
- Service, retail
- Veterinarian clinic (outside pens) **S**
- Washateria
- Self-storage (mini-warehouse)*
- Child-care center/Nursey school, kindergarten*

*The location of the self-storage (mini-warehouse) and child-care center/nursery school, kindergarten are restricted to five acres as shown on the Zoning Exhibit (Exhibit A). If developed as self-storage (mini-warehouse) and child-care center/nursery school, kindergarten, it shall be in substantial conformance with the Shadowbend Commercial, Concept Plan (Exhibit B).

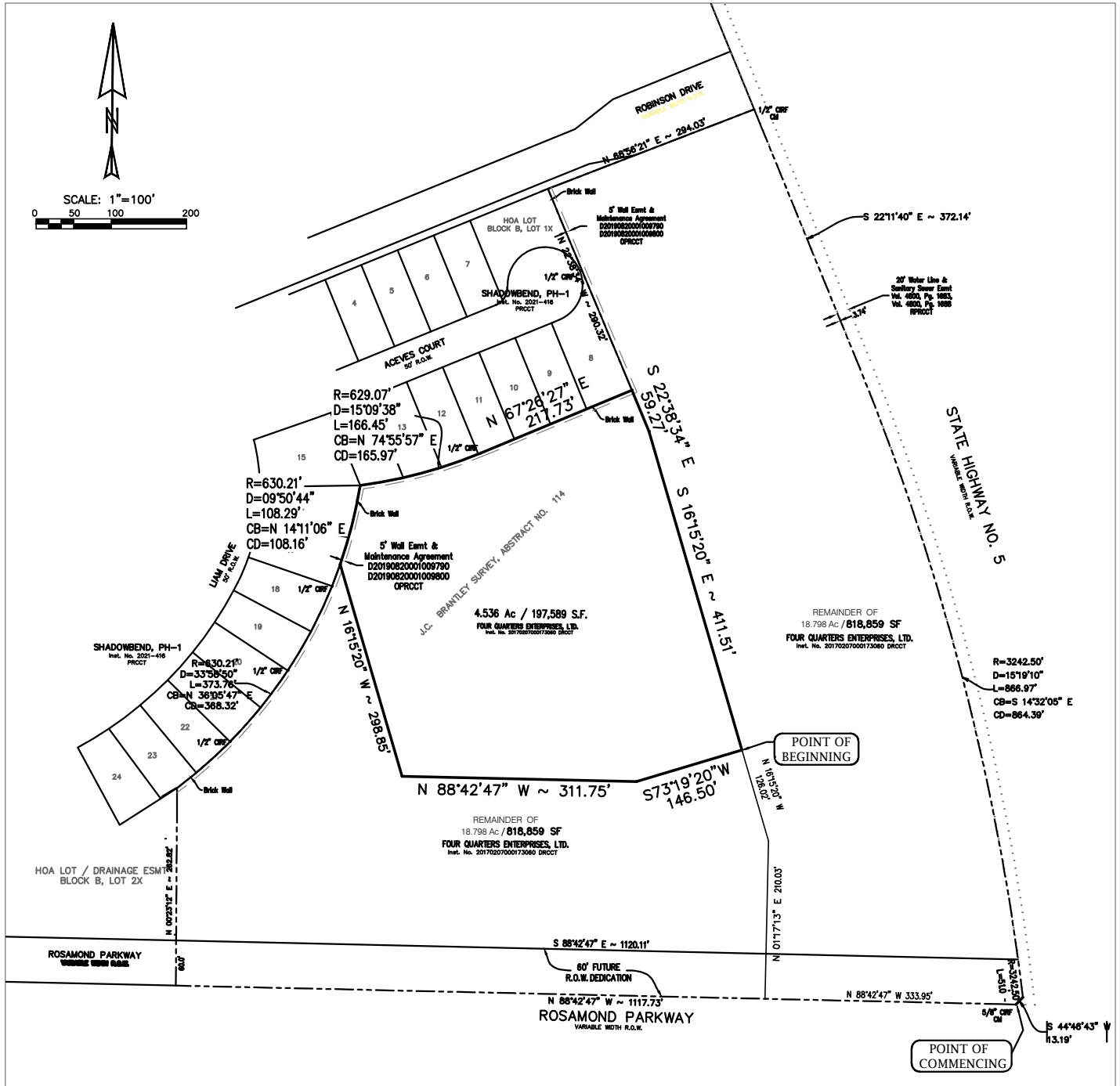
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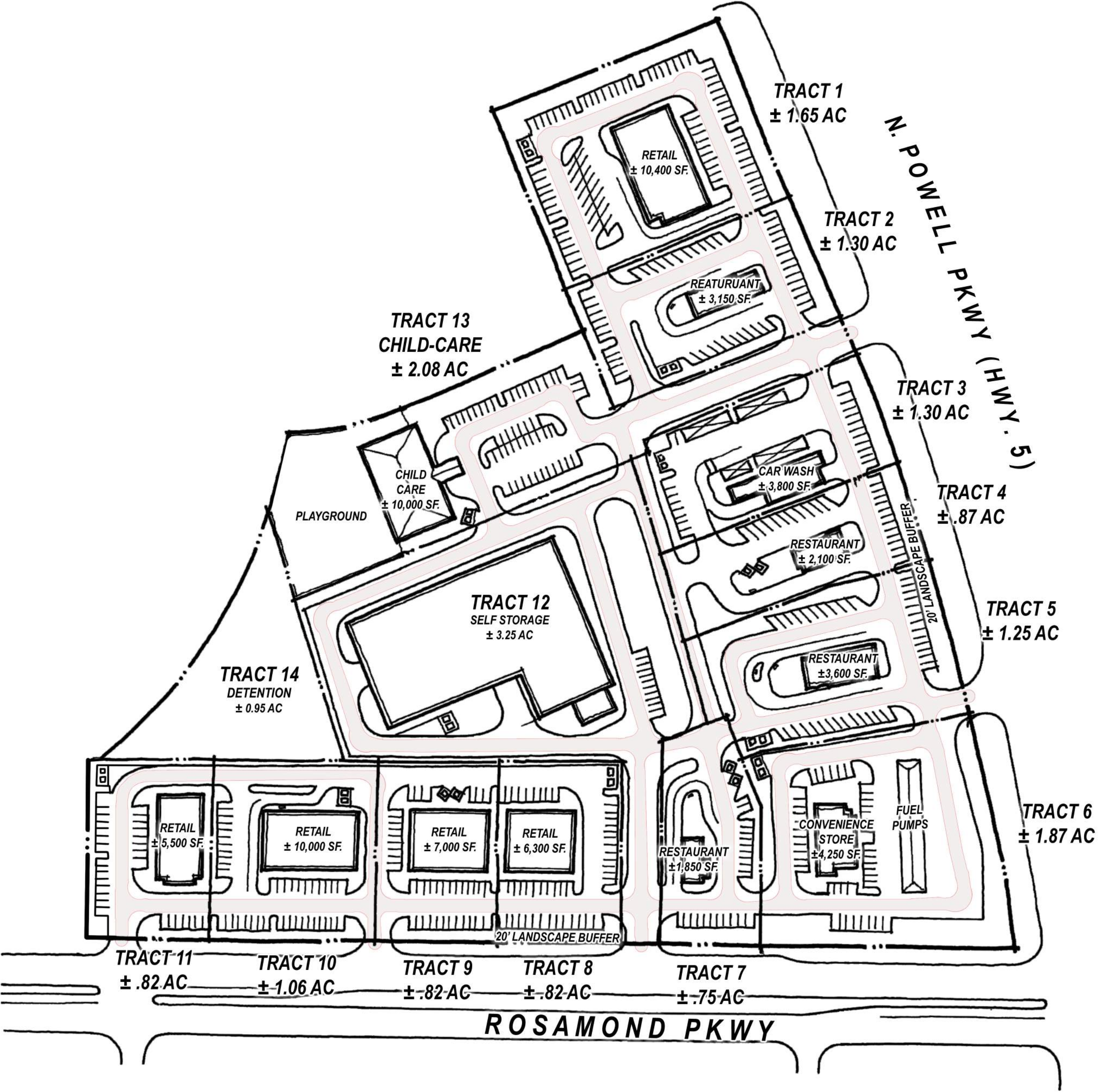
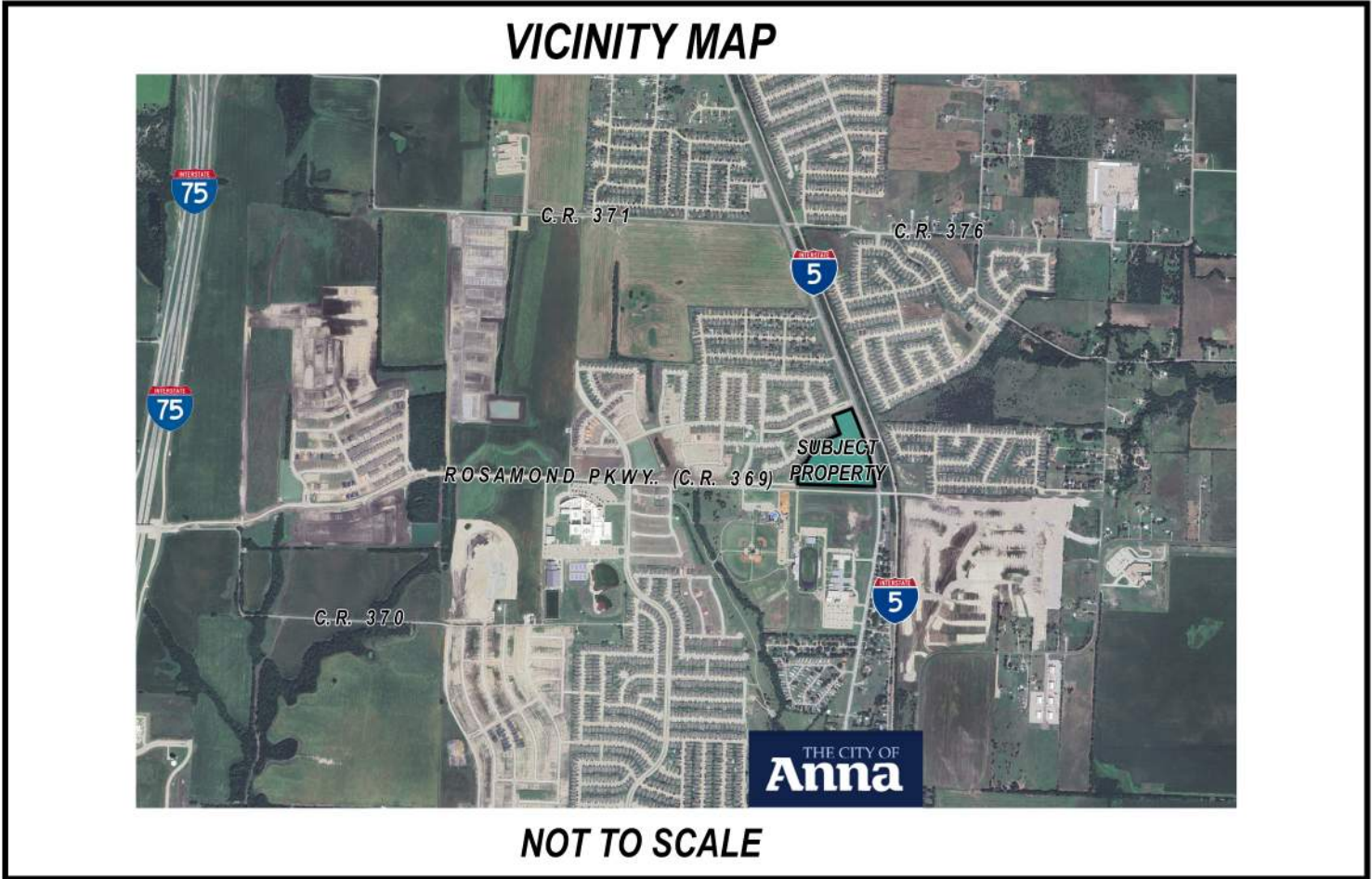
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2. The construction of the masonry screening wall shall only be required adjacent to that specific property that is to be developed, whether the development is Non-Residential or Single Family Residential.

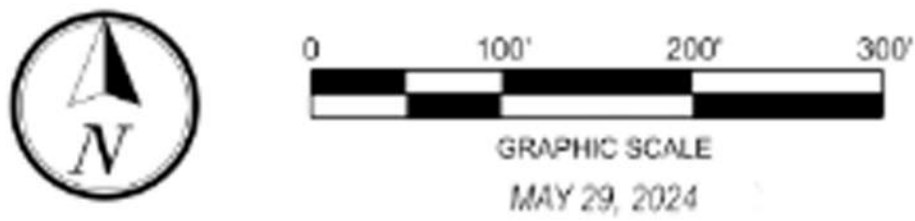
J.C. BRANTLEY SURVEY, ABSTRACT NO. 114,
CITY OF ANNA, COLLIN, TEXAS





LAND USE SUMMARY					
TRACT	AC.	USE	BLDG. SF.	PARKING REQUIRED	PARKING PROVIDED
1	1.65	RETAIL	± 10,400	42	87
2	1.3	RESTAURANT	± 3,150	32	47
3	1.3	CAR WASH	± 3,800	8	21
4	0.87	RESTAURANT	± 2,100	11	23
5	1.25	RESTAURANT	± 3,600	36	38
6	1.87	CONVENIENCE STORE	± 4,250	17	42
7	0.75	RESTAURANT	± 1,850	10	21
8	0.82	RETAIL	± 6,300	26	46
9	0.82	RETAIL	± 7,000	28	39
10	1.06	RETAIL	± 10,000	40	41
11	0.82	RETAIL	± 5,500	22	26
12	3.25	SELF-STORAGE	300 UNITS	10	10
13	2.08	CHILD CARE	± 10,000	25	50
14	0.95	DETENTION	N/A	N/A	N/A

EXHIBIT B



CITY OF ANNA, TEXAS

ORDINANCE NO. 797-2018

(Rosamond Pkwy & Highway 5 Zoning Change from Agriculture (AG) to a mixed use Planned Development located at the Northwest corner of Highway 5 and Rosamond Pkwy.)

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE, AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the owner of the property described in Exhibit A attached hereto, Craig Curry, has requested a certain zoning for said property; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City of Anna have given the requisite notices by publication and otherwise and have held the public hearings as required by law and afforded a full and fair hearing to all property owners and generally to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council of the City of Anna has concluded that the Zoning Ordinance of the City of Anna should be amended as follows:

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS:

Section 1. The Comprehensive Zoning Ordinance of the City of Anna, Texas, is amended by changing the zoning of the tract described in Exhibit A, attached hereto and made an integral part of this ordinance, from Agriculture (AG) to a Planned Development zoning for mixed use including Single Family Residential and Commercial (C-1).

Section 2. All regulations pertaining to the Single Family Residential and Commercial (C-1) with the development regulations as specified by the Development Standards (Exhibit B), Concept Plan (Exhibit C), or amended shall be applicable to this Tract.

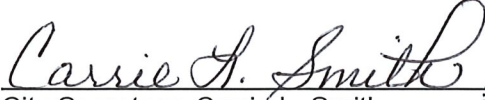
Section 3. The official Zoning Map of the City of Anna shall be corrected to reflect the change in zoning described herein.

Section 4. All ordinances of the City of Anna in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

PASSED by the City Council of the City of Anna, Texas, this 11th day of December, 2018.

ATTESTED:


City Secretary, Carrie L. Smith

APPROVED:



Exhibit "A"

BEING a tract of land situated in the J. Brantley Survey, Abstract No. 114, City of Anna, Collin County, Texas, the subject tract being the tract conveyed to Craig Curry, et al, according to the deed recorded in Document No. 20160519000615390 of the Deed Records, Collin County, Texas (DRCCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap found on the west line of State Highway 5, a variable width public right-of-way, for the southeast corner of Meadow Ridge Estates, Phase One, an addition recorded in Cabinet P, Page 63, Plat Records, Collin County, Texas (PRCCT);

THENCE S 22°47'03" E, 861.66 feet along the west line of said highway to a point for corner;

THENCE continuing along the west line of said highway, around a tangent curve to the right a central angle of 16°26'16", a radius of 3281.00 feet, a chord of S 14°33'55" E - 938.07 feet, an arc length of 941.30 feet to a 1/2" iron rod found at the intersection of the west line of State Highway 5 with the north line of Rosamond Parkway, a variable width public right-of-way, conveyed by the final plat of Anna ISD Park Addition, recorded in Cabinet 2006, Page 326 PRCCT;

THENCE N 88°40'47" W, 2534.01 feet along the north line of said right-of-way dedication to a point on the east line of another right-of-way dedication conveyed by plat recorded in Cabinet 2009, Page 413 PRCCT;

THENCE N 00°54'05" W, 32.93 feet along said right-of-way dedication to a point for corner;

THENCE S 89°06'29" W, 976.56 feet continuing along said right-of-way dedication to a point for the northwest corner of said dedication with the northeast corner of another dedication conveyed by plat recorded in Cabinet 2011, Page 176 PRCCT;

THENCE N 88°22'23" W, 832.47 feet continuing along said right-of-way dedication to a point for an inset corner thereof;

THENCE N 01°29'14" E, along the common line thereof, passing at 27.47 feet a 1/2" iron rod with a plastic cap found for the southeast corner of a tract conveyed to Anna Texas Land, Ltd., recorded in Document No. 20140718000750570 DRCCT, and continuing along the east line thereof a total distance of 1693.59 feet to a 1/2" iron rod found for the southwest corner of a tract conveyed to Eleanor Katherine Cox Cunningham and Howard Joseph Cox, Jr., recorded in Volume 1995, Page 577 DRCCT;

THENCE S 88°36'40" E, along the south line thereof, passing at 1727.09 feet the southwest corner of Meadow Ridge Estates Phase Two, an addition recorded in Cabinet R, Page 196 PRCCT, passing at 2870.91 feet the southwest corner of Meadow Ridge Estates Phase One, and continuing along the common line thereof a total distance of 3729.97 feet to the POINT OF BEGINNING with the subject tract containing 6,892,807 square feet or 158.237 acres of land.

797-2018

EXHIBIT "B"

STATE HIGHWAY 5 / ROSAMOND PLANNED DEVELOPMENT DISTRICT

PLANNED DEVELOPMENT STANDARDS

Except as otherwise set forth in these Development Standards, this Planned Development District shall conform to any and all applicable articles and sections of the Anna Zoning Ordinance as it presently exists or may be amended.

A. Single Family Residential

Permitted Uses: Uses shall be permitted according to Appendix 2 of the City of Anna Zoning Ordinance, Schedule of Uses for the SF-72 Single Family Residential zoning district.

Total Permitted Units: The maximum number of Single Family Residential units permitted within the property shall be four hundred eighty (480).

Lot Types: A mix of Single Family Residential types shall be provided within the community to provide a variety of housing options. The community shall be developed utilizing the following Lot Types:

- Type A Lots
- Type B Lots
- Type C Lots

Area and Building Regulations:

Type A Lots: A maximum of 208 lots of this type shall be allowed within the overall PD.

1. Size of Yards:

- Minimum Front Yard: Twenty-five (25) feet.
- Minimum Side Yard: Six (6) feet; fifteen (15) feet on corner adjacent to street.
- Minimum Rear Yard: Twenty (20) feet.

2. Size of Lots:

- Minimum Lot Area: Six thousand (6,000) square feet.
- Minimum Lot Width: Fifty-two (52) feet; except for lots at the terminus of a cul-de-sac, on a corner, or along a curve may have a width of forty-eight (48) feet at the front building line; provided all other requirements of this section are fulfilled.
- Minimum Lot Depth: One hundred ten (110) feet; for lots at the terminus of a cul-de-sac, on a corner, backing to a turn lane, or along a curve may be a depth of one hundred (100) feet, measured at the midpoints of the front and rear lot lines provided all other requirements of this section are fulfilled.

3. Minimum Dwelling Area: One thousand six hundred (1,600) square feet.

4. Maximum Building Height: Two and a half (2 ½) stories, no greater than thirty-five (35) feet.

5. Maximum Lot Coverage: Fifty-five (55) percent.

Type B Lots: A maximum of 234 lots of this type shall be allowed within the overall PD.

1. Size of Yards:

- Minimum Front Yard: Twenty-five (25) feet.
- Minimum Side Yard: Six (6) feet; fifteen (15) feet on corner adjacent to street.
- Minimum Rear Yard: Twenty (20) feet.

2. Size of Lots:

- Minimum Lot Area: Seven thousand two hundred (7,200) square feet.
- Minimum Lot Width: Sixty-two (62) feet; except for lots at the terminus of a cul-de-sac, on a corner, or along a curve may have a width of fifty-eight (58) feet at the front building line; provided all other requirements of this section are fulfilled.
- Minimum Lot Depth: One hundred ten (110) feet; except for lots at the terminus of a cul-de-sac, on a corner, backing to a turn lane, or along a curve may have a depth of one hundred (100) feet, measured at the midpoints of the front and rear lot lines provided all other requirements of this section are fulfilled.

3. Minimum Dwelling Area: One thousand eight hundred (1,800) square feet.
4. Maximum Building Height: Two and a half (2 ½) stories, no greater than thirty-five (35) feet.
5. Maximum Lot Coverage: Fifty (50) percent

Type C Lots: The remaining lots within the overall PD shall be of this type.

1. Size of Yards:
 - Minimum Front Yard: Twenty-five (25) feet.
 - Minimum Side Yard: Six (6) feet; fifteen (15) feet on corner adjacent to street.
 - Minimum Rear Yard: Twenty (20) feet.
2. Size of Lots:
 - Minimum Lot Area: Eight thousand four hundred (8,400) square feet.
 - Minimum Lot Width: Seventy (70) feet; except for lots at the terminus of a cul-de-sac, on a corner, or along a curve may have a width of sixty-five (65) feet at the front building line; provided all other requirements of this section are fulfilled.
 - Minimum Lot Depth: One hundred ten (110) feet; except for lots at the terminus of a cul-de-sac, on a corner, backing to a turn lane, or along a curve may have a depth of one hundred (100) feet, measured at the midpoints of the front and rear lot lines provided all other requirements of this section are fulfilled.
3. Minimum Dwelling Area: Two thousand (2,000) square feet.
4. Maximum Building Height: Two and a half (2 ½) stories, no greater than thirty-five (35) feet.
5. Maximum Lot Coverage: Forty-five (45) percent.

Additional Residential Standards: The following items shall be implemented for the Single Family Residential land area:

1. At least 40% of the total centerline length of all streets within the community shall be curvilinear in design.
2. A ten foot (10') privately maintained landscape buffer shall be provided outside of and along the right-of-way of all major thoroughfares. This landscape buffer shall be provided in lieu of additional lot depth for lots backing to the major thoroughfares.
3. A minimum six foot (6') tall masonry screening wall shall be constructed at the outside boundary of the landscape buffer adjacent to homes that back or side to major thoroughfares. A wall maintenance easement five (5) feet in width shall be dedicated on adjacent properties at the time of platting of these properties.
4. Wooden fencing of a uniform design shall be constructed along the rear or side lot lines of homes adjacent to streets within the interior of the community.
5. Ornamental metal fencing shall be constructed along the rear or side lot lines of homes adjacent to open space. Lots adjacent to linear open spaces along streets are exempt from this requirement.
6. The proposed planned development district will incorporate open space areas for the use and enjoyment by the residents of the development and the surrounding community. These open space areas shall have a minimum total of ten (10) acres and may be distributed throughout the development. The open space areas may include, but not be limited to, natural drainage ways, landscaped detention areas, amenity center facilities, open play areas, landscaped buffers, linear open spaces along streets, and linear pedestrian ways.
7. An amenity center facility shall be provided within the proposed community. Construction of the amenity center facility shall be completed prior to the issuance of a building permit for the two-hundred twentieth (220th) home within the community. The amenity center facility shall have a minimum site area of 1.3 acres and shall include a swimming pool, a bathroom facility, and convenience parking. The amenity center facility shall also include a minimum of three (3) of the following elements:
 - Playground facility
 - Pavilion, arbor, or pergola
 - Sports court
 - Open play area
 - Outdoor grilling station
 - Connections to trails within the community and the surrounding areas
 - Other amenities as approved by the Director of Planning

8. Driveways shall incorporate an enhanced paving treatment consisting of salt finished concrete and/or brick borders.
9. Garage doors shall contain a minimum of two (2) of the following enhancements:
 - Garage door recessed a minimum of twelve (12) inches from the garage face
 - Cedar / wood clad doors
 - Double doors
 - Decorative windows
 - Decorative hardware
 - Stamped reveals / texture

B. Non-Residential

Retail – Permitted at up to two (2) corners at the intersection of Rosamond Parkway and West Crossing, with a minimum total acreage of four (4) acres. If the Retail development area exceeds the minimum acreage, the Total Permitted Units shall be reduced proportionately at a rate of 3.5 units / net acre of Retail development for that portion above the minimum acreage.

General Description: Retail may be developed at either or both corners at the intersection of West Crossing and Rosamond Parkway. These areas are primarily intended to accommodate retail, commercial and service centers that supply the surrounding residential areas with convenience goods and services.

Permitted Uses: Uses permitted within the Retail tract(s) are those permitted within the "C-1 – Restricted Commercial" district of the current Zoning Ordinance at the time of adoption of this ordinance.

Regulations: The Retail tract(s) shall be developed in accordance with the regulations established for the "C-1 – Restricted Commercial" district of the Zoning Ordinance, as presently existing or as they may be amended.

Commercial – Permitted at the intersection of State Highway 5 and Rosamond Parkway with a minimum acreage of eight (8) acres and a maximum of twenty (20) acres.

General Description: Commercial shall be developed at the northwest corner of State Highway 5 and Rosamond Parkway. This area is intended to establish the ability to develop significant retail, commercial, service, and offices uses serving regional and city-wide needs.

Permitted Uses: Uses permitted within the Commercial tract are those permitted within the "C-1 – Restricted Commercial" district of the current Zoning Ordinance at the time of adoption of this ordinance as well as the following listed uses. Uses followed by an **S** may be approved as a Specific Use Permit.

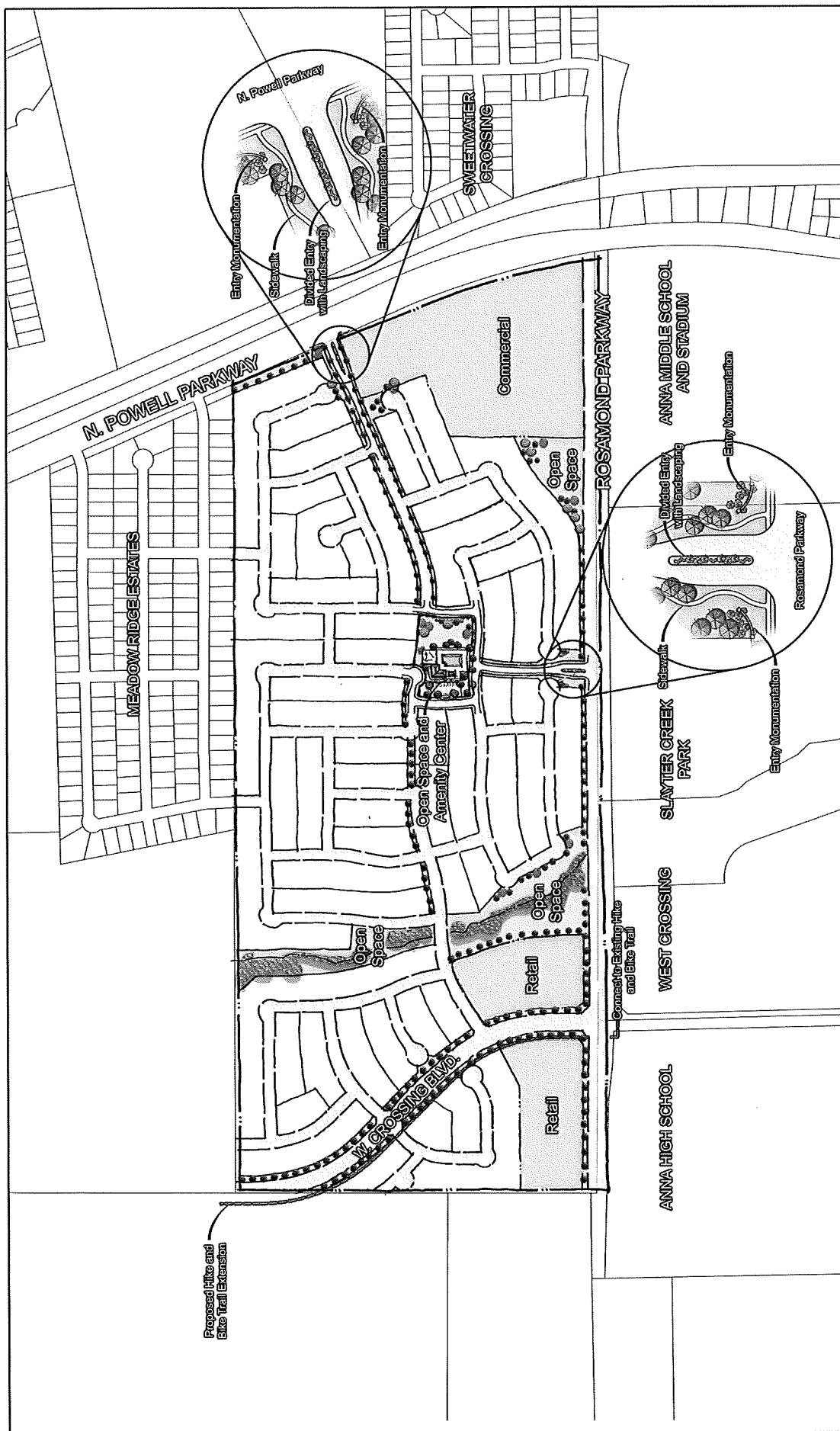
- Motel, motor hotel, or motor lounge
- Hospital (acute care)
- Rest home or nursing home
- Auto repair, minor
- Car wash
- Tire dealer (no outside storage)
- Discount, variety, or department store
- Laboratory, medical or dental
- Office-showroom / warehouse **S**
- Service, retail
- Veterinarian clinic (outside pens) **S**
- Washateria

Commercial Regulations: Except as amended below, the Commercial tract shall be developed in accordance with the regulations established for the "C-1 – Restricted Commercial" district of the Zoning Ordinance, as presently existing or as they may be amended.

1. Maximum Building Height: Thirty-five (35) feet.
2. Maximum Lot Coverage: Seventy (70) percent.

Additional Non-Residential Standards: The following items shall be implemented for the Non-Residential land area:

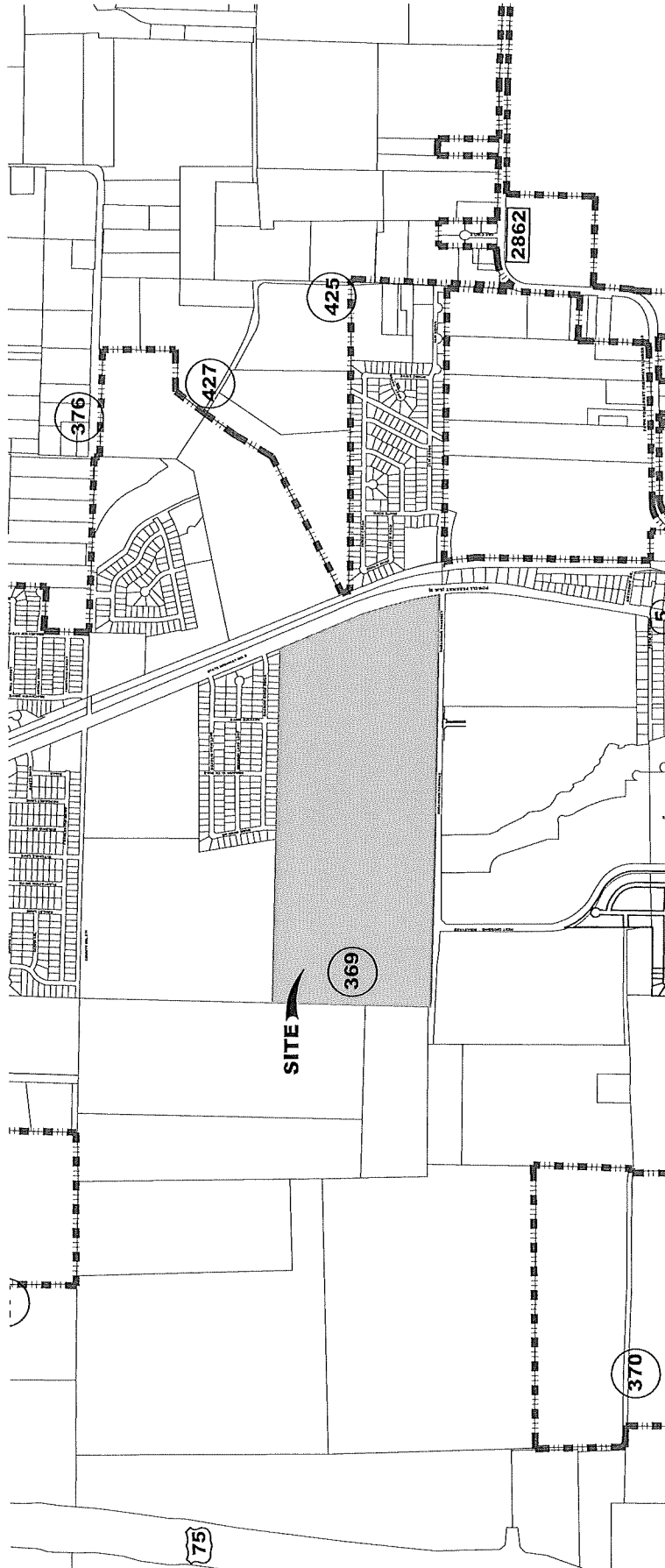
1. A minimum six foot (6') tall masonry screening wall shall be constructed along the common property line with the Single Family Residential district. A wall maintenance easement five (5) feet in width shall be dedicated on adjacent properties at the time of platting of these properties.
2. The construction of the masonry screening wall shall only be required adjacent to that specific property that is to be developed, whether the development is Non-Residential or Single Family Residential.



CONCEPT PLAN

Anna, Texas 158 Acres
Greater Texas Land Resources





797-2018

Property Description

Subdivision/Parcel ID: 1001793 Total Number of Acres: +/-18.798
Zoning Classification(s): PD-C/PD-R Total Number of Lots: 1
Location: State Hwy 5 Anna, TX 75409

Property Owner Information & Authorization

Name/Company: Britton Church, Rosamond Powell Investment, LLC
Address: 777 Post Oak Boulevard Suite 255
City: Houston State: TX Zip Code: 77056
Phone: _____ Email: _____

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Tommy Mann, Jesse Copeland, Winstead PC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

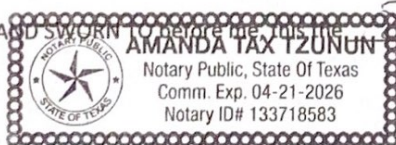
Property Owner's Signature: _____ Date: 5/8/24

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Britton Church
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this 8 day of May, 2024



Amanda Tax Tzunun
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Law Firm
Name: Tommy Mann, Jesse Copeland
Company: Winstead PC
Address: 500 Winstead Bldg, 2728 N Harwood Street
City: Dallas State: TX Zip Code: 75201
Phone: 214-745-5724; 214-745-5168 Email: tmann@winstead.com; jcopeland@winstead.com



Item No. 16.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action regarding the Shadowbend Commercial, Block A, Lots 1 -14, Concept Plan. Applicant: Britton Church, Rosamond Powell Investment, LLC

SUMMARY:

Self-Storage (mini-warehouse) on one lot, Daycare on one lot, Car Wash on one lot, Convenience Store with Fuel Pumps on one lot, Restaurants and Retail on nine lots on 18.8± acres located at the northwest corner of W. Rosamond Parkway and N. Powell Parkway.

The Concept Plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose for the Concept Plan is to show the conceptual layout and related site improvements and locations associated with the future commercial development.

The Concept Plan complies with the zoning district's area regulations as requested by the zoning case.

ISSUE:

There is one lot, Tract 14, that is not meeting the frontage requirements of the Subdivision Regulations on the Concept Plan.

§9.02.087 Lots

(b) Minimum frontage on a public street. Each lot on a subdivision plat shall front onto a dedicated, improved public street, unless platted as an approved private street subdivision in accordance with these subdivision regulations. All lots shall have a minimum of 40 feet of frontage along the property line of a dedicated, improved street unless other provisions have been authorized under article 9.04 or an approved planned development district.

Either Tract 14 should be combined with another lot or the regulation needs to be waived.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

If the zoning case is recommended for approval and upon resolving the issue with Lot 14, the Concept Plan is in conformance with the city's Subdivision Regulations and Zoning Ordinances.

The Concept Plan shall be subject to City Council approval of the zoning request. The Planning & Zoning Commission shall also make a recommendation on Tract 14, options include but are not limited to:

- Combine Tract 14 with another lot;
- Provide 40 feet of frontage along Rosamond Parkway; or
- Waive §9.02.087 requiring 40 feet of frontage and providing at least one access easement from Tracts 10, 11, 12, and/or 13.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Shadowbend Commercial Concept Plan Locator Map
2. Exhibit A (CP) Shadowbend Commercial
3. Application

Concept Plan - Shadowbend Commercial



THE CITY OF
Anna

N

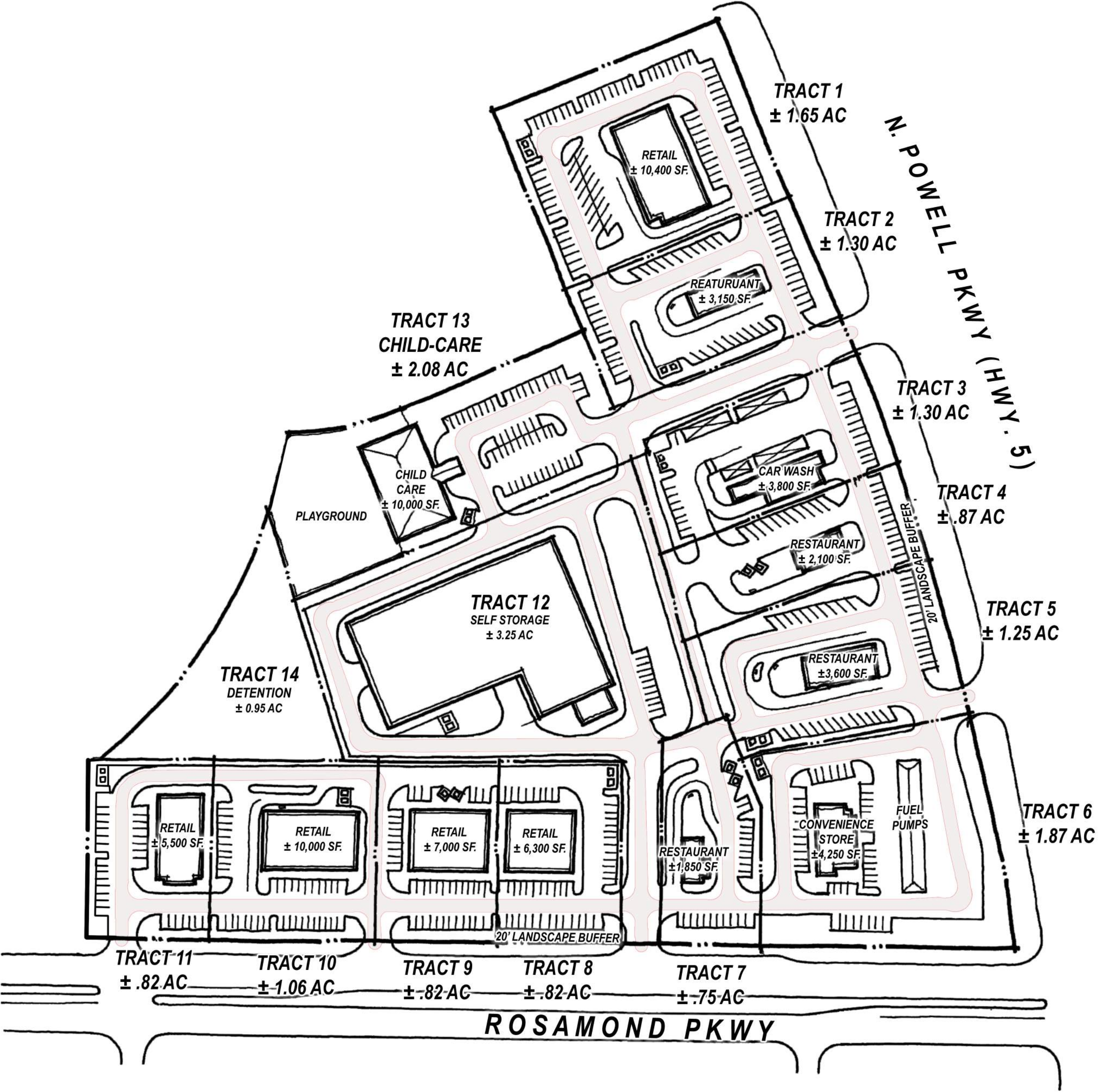
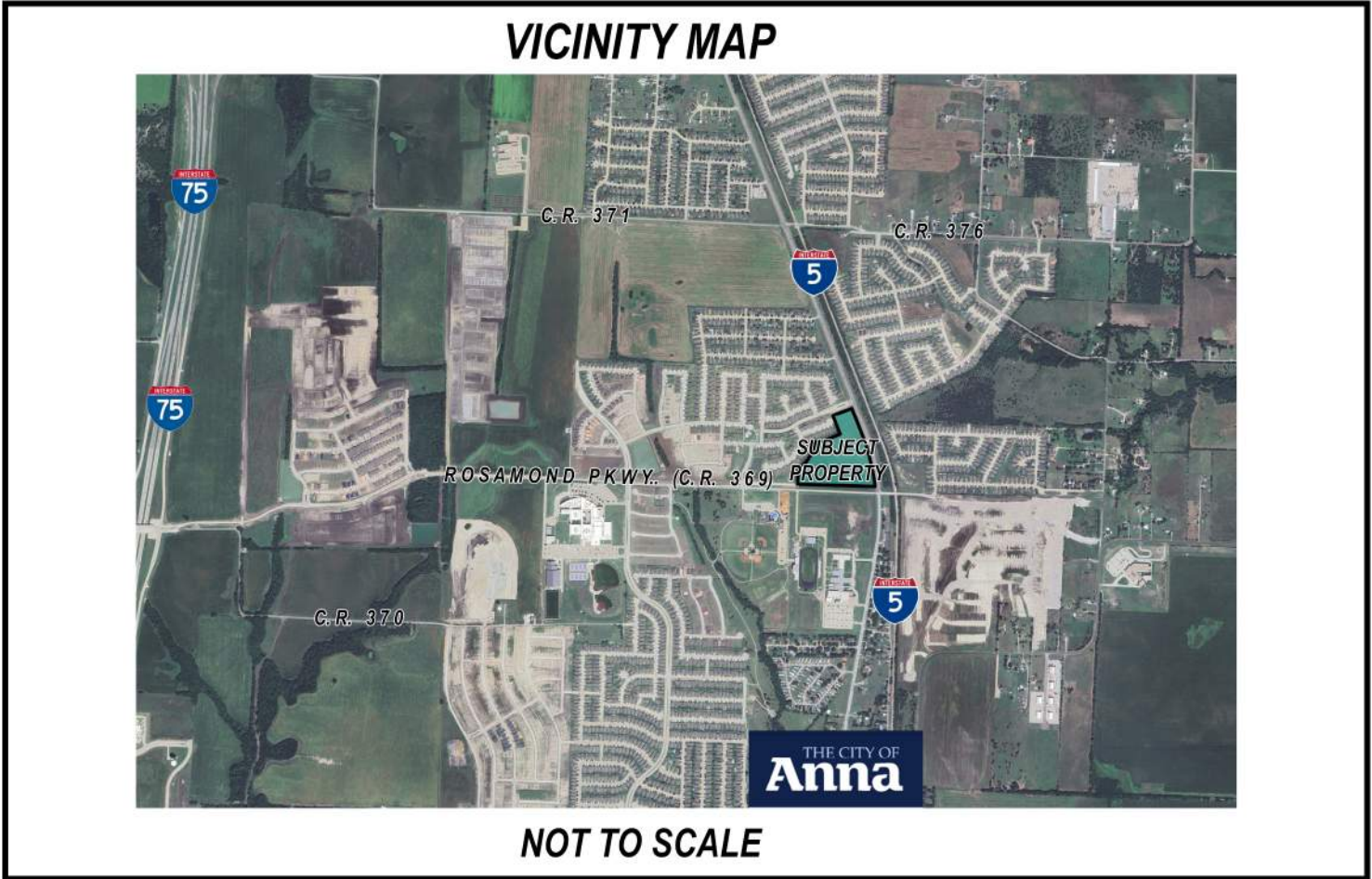
0 150 300 600 Feet

May 2024

Subject Property

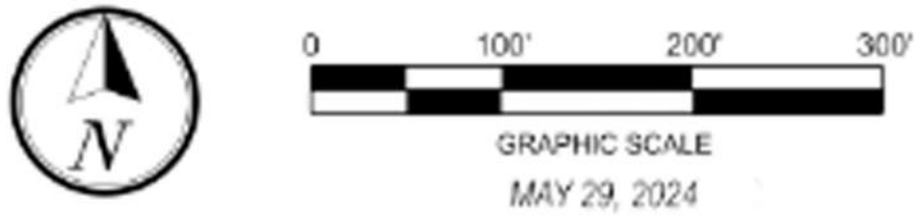
City Limits

ETJ



LAND USE SUMMARY					
TRACT	AC.	USE	BLDG. SF.	PARKING REQUIRED	PARKING PROVIDED
1	1.65	RETAIL	± 10,400	42	87
2	1.3	RESTAURANT	± 3,150	32	47
3	1.3	CAR WASH	± 3,800	8	21
4	0.87	RESTAURANT	± 2,100	11	23
5	1.25	RESTAURANT	± 3,600	36	38
6	1.87	CONVENIENCE STORE	± 4,250	17	42
7	0.75	RESTAURANT	± 1,850	10	21
8	0.82	RETAIL	± 6,300	26	46
9	0.82	RETAIL	± 7,000	28	39
10	1.06	RETAIL	± 10,000	40	41
11	0.82	RETAIL	± 5,500	22	26
12	3.25	SELF-STORAGE	300 UNITS	10	10
13	2.08	CHILD CARE	± 10,000	25	50
14	0.95	DETENTION	N/A	N/A	N/A

EXHIBIT A



Property Description

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Property Owner Information & Authorization

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Phone: _____ Email: _____

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Tommy Mann, Jesse Copeland, Winstead PC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

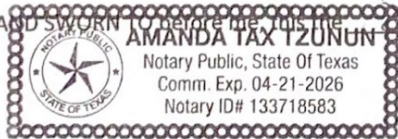
Property Owner's Signature: _____ Date: 5/8/24

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Britton Church
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this 8 day of May, 2024



Amanda Tax Tzunun
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Law Firm
Name: Tommy Mann, Jesse Copeland
Company: Winstead PC
Address: 500 Winstead Bldg, 2728 N Harwood Street
City: Dallas State: TX Zip Code: 75201
Phone: 214-745-5724; 214-745-5168 Email: tmann@winstead.com; jcopeland@winstead.com



Item No. 17.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/1/2024
Staff Contact: Lauren Mecke

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone and zone 1,035± acres generally located at the northwest and northeast corners of W. Rosamond Parkway and U.S. Highway 75 in accordance with Development Agreement (Res. No. 2024-05-1621). Zoned Planned Development (Ord. No. 537-2011) and located within the Extraterritorial Jurisdiction (ETJ). Applicant: The Thornton Family Trust, Liberty 800 LP, Liberty 75, Jay P and Irene C Janis, Janis Real Estate LLC

SUMMARY:

At its meeting on February 8, 2011, the City Council approved the zoning of a 522± acre Planned Development for a development known as Mantua and included areas to be annexed in the future. The original developer began the Mantua project in Van Alstyne's jurisdiction but has since sold the land within Anna's jurisdiction to a new developer.

At its meeting on May 14, 2024, the City Council approved a Development Agreement (Res. No. 2024-05-1621) which included an agreement for annexation of 513± acres as well as development standards.

REMARKS:

The Liberty Hills master planned development incorporates commercial, mixed-use, and multi-family zoning districts along the east and west sides of U.S. Highway 75 with several phases of single-family residential districts west of future Standridge Boulevard.

Surrounding Land Uses and Zoning

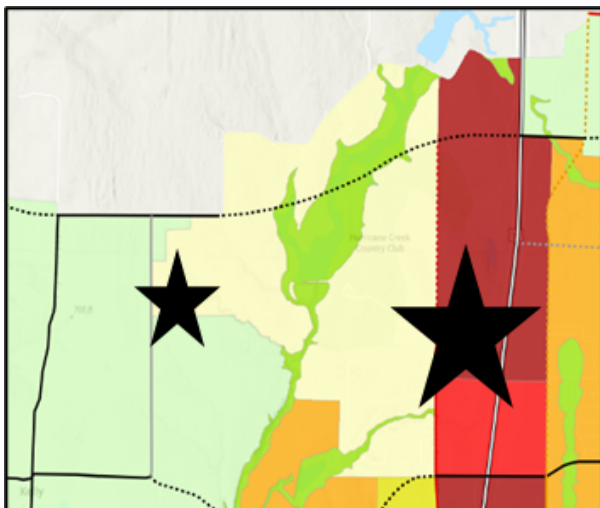
North	Vacant land in Van Alstyne's ETJ
East	Vacant land zoned AG and single-family residential subdivision, three multi-family lots, and vacant commercial lot zone Planned Development (Ord. No. 881-2020; The Woods at Lindsey Place)
South	Vacant land zoned C-2
West	Single-family dwellings zoned SF-E (Urban Crossing), and single-family dwellings (Hurricane Creek Estates), golf course and vacant land located in the ETJ,

Conformance with the Anna2050 Comprehensive Plan

The Future Land Use Plan designates these properties as Regional Activity Center, Community Commercial, Estate Residential, Ranching & Agriculture, and Parks and Open Space. The Place Type descriptions from the Comprehensive Plan is provided.

The Ranching and Agriculture Place Type description does allow for the Cluster Residential within the Ranching and Agriculture property if an amount of open space equal to the platted lots is preserved and water and wastewater requirements can be met.

The request conforms to the Regional Activity Center, Community Commercial, Cluster Residential, and Parks and Open Space place types. The proposed single-family lot sizes within the request is not in conformance with the areas identified as Estate Residential.



Proposed Stipulations:

- Establishing Minimum and Maximum dwelling units
 - Maximum of 3,000 dwelling units under the Multi-Family District and Mixed-Use District
 - Maximum of 2,000 dwelling units under the Single-Family Districts and Mixed-Density District
 - Minimum of 58 lots with SF-8.4 District Zoning
 - Minimum of 400 lots with SF-7.2 District Zoning
 - Maximum of 900 lots with SF-6.0 District Zoning
 - Maximum of 600 lots with MD District Zoning
- Providing a Fence Exhibit to illustrate the screening wall and fencing requirements.
- Establishing minimum building sizes within each district.
- Reducing the requirements of the Thoroughfare Overlay District:
 - Reducing the minimum lot size from one (1) acre to $\frac{3}{4}$ (0.75) of an acre.

- Reducing the minimum lot width from 100 feet to 60 feet.
 - Exempting the rear of developments from the front yard setback along the highways.
- Reducing covered parking requirements from 50% to 25% for multi-family dwellings.
- Changing the calculation of parking requirements for self-storage facilities from number of units to gross floor area.
 - Regulation within the Zoning Ordinance: 1/30 storage units (at least 5 spaces required)
 - Proposed: 1/20,000 gross floor area (at least 5 spaces required)
- Allowing telecommunications towers by right in non-residential districts, as well as the MD District, MF District, and MU District.
- Agreeing to a masonry requirement.
- Amending building articulation standards and multi-family dwelling amenities requirements.
- Amending Subdivision Entry Sign regulations to allow for larger signs and alternative placements.
- Providing a Tree Preservation Exhibit to illustrate trees to be preserved and removing the requirements of Article 9.07.

CONCLUSION:

Request to rezone and zone a total of 1,035± acres generally located at the northwest and northeast corners of W. Rosamond Parkway and U.S. Highway 75 in accordance with Development Agreement (Res. No. 2024-05-1621). Zoned Planned Development (Ord. No. 537-2011) and located within the Extraterritorial Jurisdiction (ETJ).

The overall request conforms to the Comprehensive Plan but the Future Land Use Plan does call for larger single-family lots than is being proposed.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

If the Commission votes in favor of the zoning request, below are recommended restrictions for the applicants' zoning request subject to approval of the annexation request:

A. The location of the planned development zoning district shall be in substantial conformance with the Metes & Bounds (Exhibit A), Description of Property (Exhibit B), and Illustrative Layout (Exhibit C).

B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building

height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in Chapter 9 (Planning & Development Regulations), as amended, except as otherwise specified within the Development Standards (Exhibit D).

C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without a public hearing.

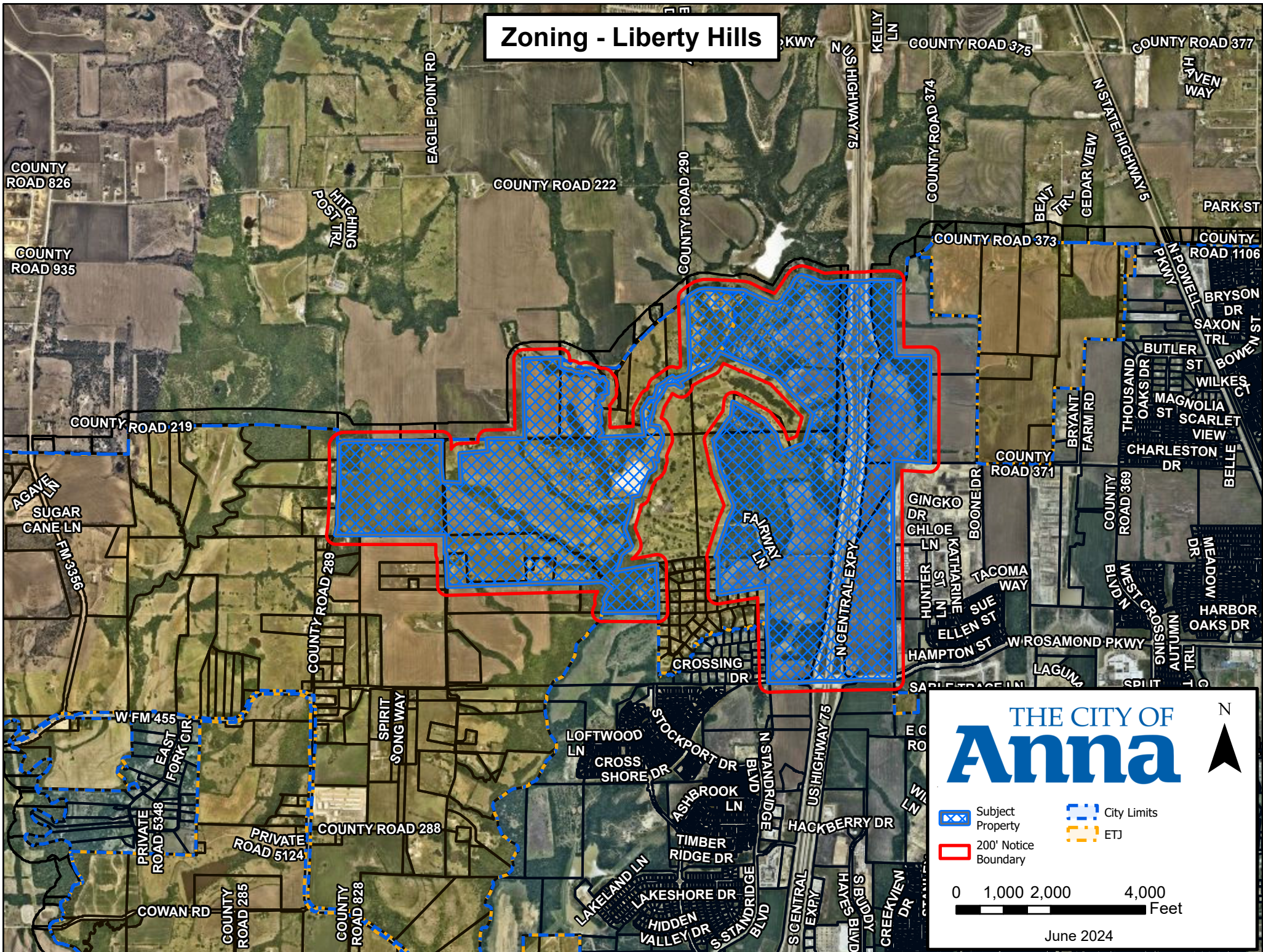
STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Liberty Hills Zoning Locator Map
2. PZ - STAFF REPORT (Zoning) Liberty Hills
3. Exhibit A Metes & Bounds
4. Exhibit B Description of Property
5. Exhibit C Illustrative Layout
6. Exhibit D Development Standards
7. Comp Plan Place Types
8. Owner Auth and Representative Designation_The Thornton Family Trust_Executed
9. Owner Auth and Representative Designation_Liberty 800 LP_Executed
10. Owner Auth and Representative Designation_Liberty 75 LP_Executed
11. Owner Auth and Representative Designation_Jay P and Irene C Janis_Executed
12. Owner Auth and Representative Designation_Janis Real Estate LLC_Executed

Zoning - Liberty Hills



CITY OF ANNA
PLANNING & ZONING COMMISSION

July 1, 2024

Public Hearing: Zoning– Liberty Hills

Applicant: The Thornton Family Trust, Liberty 800 LP, Liberty 75 LP,
Jay P and Irene C Janis, Janis Real Estate LLC

DESCRIPTION:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone and zone 1,035± acres generally located at the northwest and northeast corners of W. Rosamond Parkway and U.S. Highway 75 in accordance with Development Agreement (Res. No. 2024-05-1621). Zoned Planned Development (Ord. No. 537-2011) and located within the Extraterritorial Jurisdiction (ETJ).

SUMMARY:

At its meeting on February 8, 2011, the City Council approved the zoning of a 522± acre Planned Development for a development known as Mantua and included areas to be annexed in the future. The original developer began the Mantua project in Van Alstyne’s jurisdiction but has since sold the land within Anna’s jurisdiction to a new developer.

At its meeting on May 14, 2024, the City Council approved a Development Agreement (Res. No. 2024-05-1621) which included an agreement for annexation of 513± acres as well as development standards.

REMARKS:

The Liberty Hills master planned development incorporates commercial, mixed-use, and multi-family zoning districts along the east and west sides of U.S. Highway 75 with several phases of single-family residential districts west of future Standridge Boulevard.

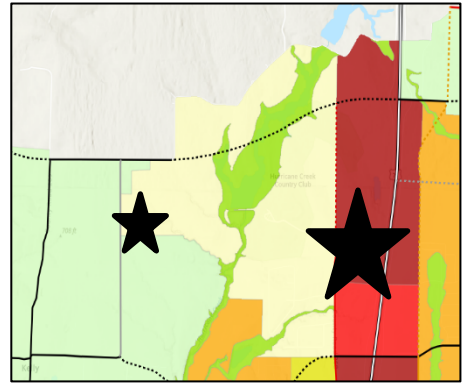
Surrounding Land Uses and Zoning

North	Vacant land in Van Alstyne’s ETJ
East	Vacant land zoned AG and single-family residential subdivision, three multi-family lots, and vacant commercial lot zone Planned Development (Ord. No. 881-2020; The Woods at Lindsey Place)
South	Vacant land zoned C-2
West	Single-family dwellings zoned SF-E (Urban Crossing), and single-family dwellings (Hurricane Creek Estates), golf course and vacant land located in the ETJ,

Conformance with the Anna2050 Comprehensive Plan

The Future Land Use Plan designates these properties as Regional Activity Center, Community Commercial, Estate Residential, Ranching & Agriculture, and Parks and Open Space. The Place Type descriptions from the Comprehensive Plan is provided.

The Ranching and Agriculture Place Type description does allow for the Cluster Residential within the Ranching and Agriculture property if an amount of open space equal to the platted lots is preserved and water and wastewater requirements can be met.



The request conforms to the Regional Activity Center, Community Commercial, Cluster Residential, and Parks and Open Space place types. The proposed single-family lot sizes within the request is not in conformance with the areas identified as Estate Residential.

Proposed Stipulations:

- Establishing Minimum and Maximum dwelling units
 - Maximum of 3,000 dwelling units under the Multi-Family District and Mixed-Use District
 - Maximum of 2,000 dwelling units under the Single-Family Districts and Mixed-Density District
 - Minimum of 58 lots with SF-8.4 District Zoning
 - Minimum of 400 lots with SF-7.2 District Zoning
 - Maximum of 900 lots with SF-6.0 District Zoning
 - Maximum of 600 lots with MD District Zoning
- Providing a Fence Exhibit to illustrate the screening wall and fencing requirements.
- Establishing minimum building sizes within each district.
- Reducing the requirements of the Thoroughfare Overlay District:
 - Reducing the minimum lot size from one (1) acre to $\frac{3}{4}$ (0.75) of an acre.
 - Reducing the minimum lot width from 100 feet to 60 feet.
 - Exempting the rear of developments from the front yard setback along the highways.
- Reducing covered parking requirements from 50% to 25% for multi-family dwellings.

- Changing the calculation of parking requirements for self-storage facilities from number of units to gross floor area.
 - Regulation within the Zoning Ordinance: 1/30 storage units (at least 5 spaces required)
 - Proposed: 1/20,000 gross floor area (at least 5 spaces required)
- Allowing telecommunications towers by right in non-residential districts, as well as the MD District, MF District, and MU District.
- Agreeing to a masonry requirement.
- Amending building articulation standards and multi-family dwelling amenities requirements.
- Amending Subdivision Entry Sign regulations to allow for larger signs and alternative placements.
- Providing a Tree Preservation Exhibit to illustrate trees to be preserved and removing the requirements of Article 9.07.

CONCLUSION:

Request to rezone and zone a total of 1,035± acres generally located at the northwest and northeast corners of W. Rosamond Parkway and U.S. Highway 75 in accordance with Development Agreement (Res. No. 2024-05-1621). Zoned Planned Development (Ord. No. 537-2011) and located within the Extraterritorial Jurisdiction (ETJ).

The overall request conforms to the Comprehensive Plan but the Future Land Use Plan does call for larger single-family lots than is being proposed.

RECOMMENDATION:

If the Commission votes in favor of the zoning request, below are recommended restrictions for the applicants' zoning request subject to approval of the annexation request:

- A. The location of the planned development zoning district shall be in substantial conformance with the Metes & Bounds (Exhibit A), Description of Property (Exhibit B), and Illustrative Layout (Exhibit C).
- B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in Chapter 9 (Planning & Development Regulations), as amended, except as otherwise specified within the Development Standards (Exhibit D).

- C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without a public hearing.

EXHIBIT A-1

Metes and Bounds Description of Liberty 800 Property

EXHIBIT A-1
TRACT ONE
694.344
Acres

SITUATED in the County of Collin, State of Texas, and being a part of the Henry Smith Survey, Abstract No. 822, the Zachariah Roberts Survey, Abstract No. 760, the John Batterton Survey, Abstract No. 94, the W.P. Burns Survey, Abstract No. 100, the J.C. Burge Survey, Abstract No. 106 and the Jonas Whitaker Survey, Abstract No. 981 and being a part of the 2,304.493 acre tract of land (*Tract F*) conveyed from Viola Lordsmeer, L.P. to Risland Mantua, LLC by Special Warranty Deed dated June 25, 2018 and recorded in Instrument No. 20180625000783630, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found in or near the centerline intersection of County Road 370, a public road, with County Road 368, a public road, in the South line of said Henry Smith Survey and the North line of the John Elliott Survey, Abstract No. 296, at the Northwest corner of the remainder of the 16.215 acre tract of land conveyed to Sheikh M. Alam, recorded in Volume 4335, Page 955, Deed Records, Collin County, Texas, and the most Southerly Southwest corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 01 deg. 13 min. 07 sec. West, with the pavement of said County Road 368 and a West line of said Risland Mantua 2,304.493 ac., a distance of 2,021.14 ft. to a 1/2 inch rebar found at the most Easterly Northeast corner of Hurricane Creek Estates, an unrecorded Plat, and an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Westerly, with a North line of said Hurricane Creek Estates and a South line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. South 80 deg. 49 min. 43 sec. West, a distance of 212.73 ft. to a 5/8 inch rebar found at an angle point;
2. South 81 deg. 00 min. 36 sec. West, a distance of 212.18 ft. to a 5/8 inch rebar found at an
3. South 79 deg. 47 min. 15 sec. West, a distance of 215.41 ft. to a 5/8 inch rebar found at an angle point;
4. South 79 deg. 47 min. 48 sec. West, a distance of 211.76 ft. to a 1 inch pipe found at an angle point;
5. South 80 deg. 49 min. 08 sec. West, a distance of 220.15 ft. to a 5/8 inch rebar found at an Ell corner of said Hurricane Creek Estates, a Southwest corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Northerly, with an East line of said Hurricane Creek Estates and a West line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. North 00 deg. 47 min. 59 sec. West, a distance of 95.57 ft. to a 5/8 inch rebar found at an angle point;
2. North 00 deg. 53 min. 28 sec. East, a distance of 242.25 ft. to a 5/8 inch rebar found at an angle point;
3. North 01 deg. 07 min. 11 sec. East, a distance of 264.53 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at an angle point;
4. North 01 deg. 48 min. 05 sec. East, a distance of 76.53 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at an angle point;
5. North 02 deg. 27 min. 54 sec. East, a distance of 99.19 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the most Northerly Northeast corner of said Hurricane Creek Estates, at an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE South 89 deg. 45 min. 34 sec. West, with a North line of said Hurricane Creek Estates and a South line of said Risland Mantua 2,304.493 ac., a distance of 51.65 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the most Southerly Southeast corner of the 179.55 ac. tract of land conveyed to Grayson-Collin Recreational Association, Inc. in Volume 705, Page 90, said Deed Records, at a Southwest corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Northerly, with an East line of said Grayson-Collin Recreational Association 179.55 ac. and a West line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. North 17 deg. 52 min. 19 sec. East, a distance of 782.45 ft. to a 42 inch Elm tree at an angle point;
2. North 22 deg. 57 min. 03 sec. East, a distance of 424.80 ft. to a 1 inch pipe found at an angle point;
3. North 22 deg. 16 min. 10 sec. West, a distance of 763.52 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at an angle point;
4. North 12 deg. 31 min. 05 sec. West, a distance of 690.34 ft. to a 1 inch pipe found at an angle point;
5. North 35 deg. 44 min. 24 sec. East, a distance of 668.76 ft. to a 1/2 inch rebar found at an angle point;
6. North 03 deg. 14 min. 16 sec. East, a distance of 279.04 ft. to a 1/2 inch rebar found at the most Westerly Southwest corner of the 7.493 ac. tract of land conveyed to Grayson-Collin Recreational Association, Inc. in Volume 738, Page 342, said Deed Records, at an angle point;

THENCE Southeasterly, with the Southwest line of said Grayson-Collin Recreational Association 7.493 ac. and a Northeast line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. South 60 deg. 30 min. 30 sec. East, a distance of 753.00 ft. to a 1 inch pipe found at an angle point;
2. South 38 deg. 05 min. 22 sec. East, a distance of 416.65 ft. to a 1/2 inch rebar found at an angle point;
3. South 20 deg. 05 min. 14 sec. East, a distance of 393.25 ft. to a 1 inch pipe found at the most Southerly Southwest corner of said Grayson-Collin Recreational Association 7.493., at an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 64 deg. 28 min. 26 sec. East, with the South line of said Grayson-Collin Recreational Association 7.493 ac. and a North line of said Risland Mantua 2,304.493 ac., a distance of 48.14 ft. to a 1/2 inch rebar found at an angle point;

THENCE North 71 deg. 32 min. 49 sec. East, continuing with the South line of said Grayson-Collin Recreational Association 7.493 ac. and a North line of said Risland Mantua 2,304.493 ac., a distance of 175.44 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the Southeast corner of said Grayson Collin Recreational Association 7.493 ac., the most Easterly Southeast corner of said Grayson-Collin Recreational Association 179.55 ac. and an angle point of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Easterly, Northerly, then Northwesterly, along the common property line of both said Grayson-Collin Recreational Association 179.55 ac. and Risland Mantua 2,304.493 ac., the following calls and distances:

1. North 68 deg. 39 min. 59 sec. East, a distance of 279.42 ft. to a 1/2 inch rebar found at an angle point;
2. North 16 deg. 00 min. 07 sec. East, a distance of 631.15 ft. to a 1/2 inch rebar found at an angle point;
3. North 43 deg. 56 min. 13 sec. West, a distance of 1,122.16 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at an angle point;
4. North 66 deg. 25 min. 20 sec. West, a distance of 1,304.43 ft. to a 1/2 inch capped rebar set stamped "RPLS at the most Northerly corner of said Grayson-Collin Recreational Association 179.55 ac. and an angle point of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE South 31 deg. 00 min. 14 sec. West, with the West line of said Grayson-Collin Recreational Association 179.55 ac. and an East line of said Risland Mantua 2,304.493 ac., a distance of 345.00 ft. to

a point in the East bank of a pond, at an angle point;

THENCE Southwesterly, with the East bank of a pond, along the West line of said Grayson-Collin Recreational Association 179.55 ac. and an East line of said Risland Mantua 2,304.493 the following calls and distances:

1. South 65 deg. 09 min. 26 sec. West, a distance of 350.00 ft.;
2. South 59 deg. 44 min. 48 sec. West, a distance of 390.00 ft.;
3. South 32 deg. 52 min. 18 sec. East, a distance of 100.00 ft.;
4. South 40 deg. 29 min. 25 sec. West, a distance of 55.00 ft.;
5. North 59 deg. 49 min. 47 sec. West, a distance of 150.00 ft.;
6. South 89 deg. 36 min. 28 sec. West, a distance of 190.00 ft.;
7. South 25 deg. 45 min. 05 sec. West, a distance of 190.00 ft.;
8. South 31 deg. 50 min. 15 sec. West, a distance of 265.00 ft.;
9. South 16 deg. 52 min. 45 sec. West, a distance of 500.00 ft.;
10. South 81 deg. 20 min. 55 sec. East, a distance of 205.00 ft.;
11. South 25 deg. 08 min. 27 sec. East, a distance of 200.00 ft.;
12. South 06 deg. 15 min. 31 sec. East, a distance of 85.00 ft.;
13. South 24 deg. 28 min. 32 sec. West, a distance of 150.00 ft.;
14. South 20 deg. 37 min. 55 sec. West, a distance of 205.00 ft.;
15. South 09 deg. 56 min. 57 sec. East, a distance of 120.00 ft.;
16. North 64 deg. 36 min. 06 sec. West, a distance of 115.00 ft.;
17. South 19 deg. 23 min. 16 sec. East, a distance of 200.00 ft.;
18. South 37 deg. 19 min. 08 sec. West, a distance of 70.00 ft.;
19. South 60 deg. 56 min. 07 sec. West, a distance of 110.00 ft.;
20. South 29 deg. 09 min. 31 sec. West, a distance of 250.00 ft.;
21. South 17 deg. 58 min. 21 sec. West, a distance of 290.00 ft.;

THENCE South 86 deg. 05 min. 16 sec. West, with the South bank of a pond, along a North line of said Grayson-Collin Recreational Association 179.55 ac. and a South line of said Risland Mantua 2,304.493 ac., a distance of 165.01 ft. to a point in line with a creek to the South;

THENCE Southerly, with the center of a creek, the West line of said Grayson-Collin Recreational Association 179.55 ac. and an East line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. South 02 deg. 18 min. 45 sec. West, a distance of 180.00 ft.;
2. South 07 deg. 21 min. 55 sec. East, a distance of 142.55 ft.;
3. South 20 deg. 21 min. 46 sec. West, a distance of 68.44 ft.;
4. South 37 deg. 03 min. 53 sec. West, a distance of 61.49 ft.;
5. South 64 deg. 30 min. 25 sec. West, a distance of 68.25 ft.;
6. South 21 deg. 56 min. 56 sec. West, a distance of 127.43 ft.;
7. South 10 deg. 33 min. 50 sec. East, a distance of 186.00 ft.;
8. South 23 deg. 42 min. 08 sec. East, a distance of 180.15 ft.;
9. South 29 deg. 18 min. 26 sec. East, a distance of 118.28 ft.;
10. South 50 deg. 34 min. 40 sec. West, a distance of 65.47 ft.;
11. South 35 deg. 56 min. 57 sec. West, a distance of 74.91 ft.;
12. South 51 deg. 20 min. 01 sec. West, a distance of 137.86 ft.;
13. South 30 deg. 41 min. 01 sec. West, a distance of 59.61 ft.;
14. South 01 deg. 39 min. 28 sec. West, a distance of 48.43 ft.;
15. South 15 deg. 38 min. 49 sec. West, a distance of 59.78 ft.;
16. South 32 deg. 29 min. 33 sec. West, a distance of 70.38 ft.;
17. South 18 deg. 00 min. 15 sec. West, a distance of 87.06 ft.;

18. South 33 deg. 07 min. 26 sec. West, a distance of 87.26 ft. to a point at the Southwest corner of said Grayson-Collin Recreational Association 179.55 ac., at an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 80 deg. 55 min. 18 sec. East, with the South line of said Grayson-Collin Recreational Association 179.55 ac. and a North line of said Risland Mantua 2,304.493 ac., passing a 1/2 inch capped rebar set, stamped "RPLS 6578" (for witness) at 104.23 ft. and continuing on said course for a **TOTAL**

distance of 898.20 ft. to a 1/2 inch capped rebar set stamped “RPLS 6578” at the Northwest corner of said Hurricane Creek Estates and the most Southerly Northeast corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Southerly, with the West line of said Hurricane Creek Estates and an East line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. South 01 deg. 30 min. 49 sec. East, a distance of 234.97 ft. to a 1/2 inch capped rebar set stamped “RPLS 6578” at an angle point;
2. South 01 deg. 40 min. 21 sec. East, a distance of 100.03 ft. to a 5/8 inch rebar found at an angle point;
3. South 01 deg. 26 min. 53 sec. East, a distance of 230.25 ft. to a 5/8 inch rebar found at an angle point;
4. South 02 deg. 34 min. 04 sec. East, a distance of 240.01 ft. to a 5/8 inch rebar found at an angle point;
5. South 02 deg. 31 min. 27 sec. East, a distance of 193.14 ft. to a 1/2 inch capped rebar found at the Northeast corner of the 59.73 ac. tract of land conveyed to MM Anna 325, LLC, recorded in Instrument No. 2019041100386110, said Official Public Records, at a Southeast corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE South 89 deg. 01 min. 06 sec. West, with the general course of a wire fence maintaining the North line of said MM Anna 325 59.73 ac. and a South line of said Risland Mantua 2,304.493 ac., passing a 1/2 inch capped rebar found (for Witness) at the end of said fence at 938.20 ft. and continuing on said course for a **TOTAL** distance of 1,215.59 ft. to a point in the center of a creek, in the East line of the 48.900 ac. tract of land conveyed to Donna Gail Peeler in Volume 4972, Page 5535, said Deed Records, at the Northwest corner of said MM Anna 325 59.73 ac., at a Southwest corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Northwesterly, with the center of a creek, the East line of said Peeler 48.900 ac. and the 52.77 ac. tract of land conveyed to Janis Real Estate, recorded in Instrument No. 20220420000632060, said Official Public Records and a West line of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. North 34 deg. 56 min. 42 sec. East, a distance of 103.29 ft.;
2. North 25 deg. 27 min. 55 sec. East, a distance of 87.41 ft.;
3. North 14 deg. 15 min. 11 sec. West, a distance of 109.46 ft.;
4. North 09 deg. 26 min. 32 sec. East, a distance of 44.80 ft.;
5. North 25 deg. 25 min. 55 sec. East, a distance of 68.17 ft.;
6. North 10 deg. 58 min. 09 sec. East, a distance of 44.27 ft.;
7. North 48 deg. 07 min. 28 sec. East, a distance of 65.89 ft.;
8. North 76 deg. 04 min. 15 sec. East, a distance of 77.19 ft.;
9. North 05 deg. 59 min. 38 sec. East, a distance of 80.43 ft.;
10. North 16 deg. 36 min. 05 sec. West, a distance of 25.15 ft.;
11. North 55 deg. 07 min. 32 sec. West, a distance of 46.80 ft.;
12. North 72 deg. 50 min. 00 sec. West, a distance of 123.19 ft.;
13. South 81 deg. 44 min. 01 sec. West, a distance of 41.34 ft.;
14. North 70 deg. 40 min. 03 sec. West, a distance of 39.93 ft.;
15. North 18 deg. 54 min. 48 sec. West, a distance of 46.24 ft.;
16. North 30 deg. 12 min. 42 sec. East, a distance of 86.17 ft.;
17. North 55 deg. 20 min. 43 sec. West, a distance of 26.95 ft.;
18. North 83 deg. 50 min. 31 sec. West, a distance of 22.50 ft.;
19. South 68 deg. 54 min. 13 sec. West, a distance of 27.87 ft.;
20. North 22 deg. 54 min. 12 sec. West, a distance of 86.02 ft.;
21. North 26 deg. 45 min. 33 sec. East, a distance of 14.91 ft.;
22. North 50 deg. 40 min. 12 sec. East, a distance of 42.50 ft.;
23. North 10 deg. 24 min. 46 sec. West, a distance of 17.30 ft.;
24. North 72 deg. 20 min. 36 sec. West, a distance of 44.01 ft.;
25. North 44 deg. 49 min. 18 sec. West, a distance of 31.13 ft.;
26. North 87 deg. 03 min. 39 sec. West, a distance of 12.89 ft.;
27. South 64 deg. 02 min. 23 sec. West, a distance of 41.90 ft.;
28. North 86 deg. 18 min. 51 sec. West, a distance of 19.60 ft.;

29. North 13 deg. 04 min. 46 sec. West, a distance of 18.21 ft.;
30. North 53 deg. 06 min. 48 sec. East, a distance of 15.77 ft.;
31. North 77 deg. 43 min. 43 sec. East, a distance of 16.69 ft.;
32. North 43 deg. 03 min. 46 sec. East, a distance of 28.01 ft.;
33. North 17 deg. 12 min. 14 sec. West, a distance of 18.36 ft.;
34. North 71 deg. 22 min. 19 sec. West, a distance of 21.59 ft.;
35. North 22 deg. 14 min. 44 sec. East, a distance of 25.85 ft.;
36. North 81 deg. 00 min. 45 sec. East, a distance of 25.03 ft.;
37. North 20 deg. 24 min. 50 sec. East, a distance of 33.04 ft.;
38. North 27 deg. 26 min. 38 sec. West, a distance of 22.31 ft.;
39. North 83 deg. 06 min. 16 sec. West, a distance of 148.69 ft.;
40. North 25 deg. 25 min. 26 sec. West, a distance of 47.53 ft.;
41. North 67 deg. 01 min. 29 sec. West, a distance of 30.30 ft.;
42. North 84 deg. 50 min. 03 sec. West, a distance of 47.00 ft.;
43. North 74 deg. 58 min. 05 sec. West, a distance of 33.79 ft.;
44. South 76 deg. 58 min. 39 sec. West, a distance of 33.35 ft.;
45. North 35 deg. 23 min. 19 sec. West, a distance of 27.57 ft.;
46. North 11 deg. 56 min. 26 sec. West, a distance of 54.69 ft.;
47. North 43 deg. 24 min. 18 sec. West, a distance of 52.00 ft.;
48. South 55 deg. 10 min. 00 sec. West, a distance of 27.34 ft.;
49. South 78 deg. 02 min. 05 sec. West, a distance of 27.52 ft.;
50. North 67 deg. 40 min. 27 sec. West, a distance of 74.72 ft.;
51. North 74 deg. 50 min. 18 sec. West, a distance of 51.31 ft.;
52. North 61 deg. 04 min. 09 sec. West, a distance of 43.45 ft.;
53. North 41 deg. 31 min. 56 sec. West, a distance of 71.57 ft.;
54. North 26 deg. 20 min. 00 sec. West, a distance of 52.30 ft.;
55. North 48 deg. 41 min. 18 sec. West, a distance of 61.74 ft.;
56. North 78 deg. 02 min. 53 sec. West, a distance of 43.15 ft.;
57. North 45 deg. 16 min. 16 sec. West, a distance of 161.73 ft.;
58. South 70 deg. 57 min. 23 sec. West, a distance of 52.72 ft.;
59. South 61 deg. 06 min. 37 sec. West, a distance of 35.06 ft.;
60. South 72 deg. 45 min. 56 sec. West, a distance of 40.53 ft.;
61. South 87 deg. 34 min. 10 sec. West, a distance of 28.77 ft.;
62. North 67 deg. 42 min. 02 sec. West, a distance of 33.33 ft.;
63. North 23 deg. 39 min. 03 sec. West, a distance of 52.95 ft.;
64. South 89 deg. 23 min. 21 sec. West, a distance of 70.36 ft.;
65. North 74 deg. 15 min. 03 sec. West, a distance of 25.54 ft.;
66. North 51 deg. 05 min. 09 sec. West, a distance of 29.41 ft.;
67. North 20 deg. 44 min. 38 sec. East, a distance of 41.42 ft.;
68. North 31 deg. 24 min. 12 sec. West, a distance of 45.13 ft.;
69. South 77 deg. 29 min. 33 sec. West, a distance of 63.04 ft.;
70. North 33 deg. 59 min. 18 sec. West, a distance of 11.78 ft. to a point at the Northeast corner of said Janis Real Estate 52.77 ac., at an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE South 88 deg. 29 min. 46 sec. West, with the North line of said Janis Real Estate 52.77 ac. and a South line of said Risland Mantua 2,304.493 ac., passing a 1/2 inch rebar found (for witness) at 1,917.45 ft. and continuing on said course for a **TOTAL** distance of 1,940.65 ft. to a 1/2 inch rebar found in the pavement of County Road 290, a public road, in an East line of both the 103.991 ac. tract of land conveyed to Mohammad Ali Manouchehripour in Volume 5200, Page 5012, said Official Public Records and the Joseph Britton Survey, Abstract No. 72 and the West line of said Zachariah Roberts Survey, at the Northwest corner of said Janis Real Estate 52.77 ac., at the most Westerly Southwest corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 01 deg. 12 min. 42 sec. West, with the pavement of said County Road 290, an East line of both said Manouchehripour 103.991 ac. and the Thornton Family Trust "called" 103 acre tract of land conveyed in Instrument No. 2021043000877560, said Official Public Records and the East line of said Joseph Britton Survey and a West line of both said Zacharia Roberts Survey and Risland Mantua 2,304.493 ac. passing the Northeast corner of said Manouchehripour 103.991 ac. and continuing on said course for a distance of 1,130.77 ft. to a PK nail set at the Southwest corner of the 10.669 ac. tract of land conveyed to Delmore A. M. Church and Joyce Church in Volume 702, Page 585, said Deed Records, at a

Northwest corner of said Risland Mantua 2,304.493 ac. and the most Western Northwest corner of the herein described tract;

THENCE South 88 deg. 26 min. 45 sec. East, with a South line of said Church 10.669 ac. and a North line of said Risland Mantua 2,304.493 ac., passing a 1/2 inch rebar found (for witness) at 27.59 ft. and continuing for a **TOTAL** distance of 353.22 ft. to a 1/2 inch capped rebar set, stamped “RPLS 6578” at the most Southerly Southeast corner of said Church 10.669 ac. and an Ell corner of both said Mantua 2,304.493 ac. and the herein described tract;

THENCE North 01 deg. 36 min. 46 sec. West, with an East line of said Church 10.669 ac. and a West line of said Risland Mantua 2,304.493 ac., a distance of 628.19 ft. to a 1/2 inch capped rebar set, stamped “RPLS 6578” at an Ell corner of said Church 10.669 ac., at a Northwest corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 86 deg. 35 min. 25 sec. East, with a South line of said Church 10.669 ac. and a North line of said Risland Mantua 2,304.493 ac., a distance of 587.02 ft. to a 12 inch wood corner post at the most Easterly Southeast corner of said Church 10.669 ac., at an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 01 deg. 14 min. 35 sec. West, with an East line of said Church 10.669 ac. and a West line of said Risland Mantua 2,304.493 ac., a distance of 251.70 ft. to a 1/2 inch rebar found in the center of said County Road 290, in the North line of said Zachariah Roberts Survey and the South line of said John Batterton survey, at the Northeast corner of said Church 10.669 ac. and an Ell corner of said Risland Mantua 2,304.493 ac., at a Northwest corner of the herein described tract;

THENCE North 89 deg. 18 min. 25 sec. East, along or near the center of said County Road 290, over and across Risland Mantua 2,304.493 ac., with the North line of said Zachariah Roberts Survey and the South line of said John Batterton Survey, passing the Southeast edge of pavement of said County Road 290, and continuing on said course for a distance of 797.98 ft. to a 1/2 inch rebar found at an Ell corner of the herein described tract;

THENCE North 00 deg. 49 min. 03 sec. West, continuing over and across said Risland Mantua 2,304.493 ac., passing the Southeast edge and re-entering the pavement of said County Road 290, continuing on said course along or near the center of said road, passing the Northwest edge of pavement of said road, and continuing on said course for a distance of 1,687.21 ft. to a 1/2 inch capped rebar set, stamped “RPLS 6578” at the most Northern Northwest corner of the herein described tract;

THENCE North 88 deg. 20 min. 33 sec. East, continuing over and across said Risland Mantua 2,304.493 ac., passing the Northwest edge and re-entering the pavement of said County Road 290, and continuing on said course along or near the center of said County Road 290 for a distance of 772.49 ft. to a 1/2 inch rebar found in the West line of the 18.632 ac. tract of land conveyed to Mohammed Rehman, recorded in Instrument No. 20210322000563200, said Official Public Records, in an East line of said Risland Mantua 2,304.493 ac., in the West line of said W.P. Burns Survey and the East line of said John Batterton Survey, at a Northeast corner of the herein described tract;

THENCE South 00 deg. 54 min. 38 sec. East, with the West line of both said Rehman 18.632 ac. and W.P. Burns Survey and the East line of both said Risland Mantua 2,304.493 ac. and John Batterton Survey, a distance of 191.05 ft. to a 1/2 inch rebar found in the center of a draw, at the Southwest corner of said Rehman 18.632 ac. and an Ell corner of the herein described tract;

THENCE Southeasterly, with the center of a draw and creek, with the South line of said Rehman 18.632 ac. and the West line of Lots 1 and 3 of Triple I Ranch Addition to the Collin County, Texas, recorded in Instrument No. 2003-0183169, Map Records, Collin County, Texas, and the North and East lines of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. South 85 deg. 33 min. 48 sec. East, a distance of 38.17 ft.;
2. South 56 deg. 34 min. 17 sec. East, a distance of 114.66 ft.;
3. South 73 deg. 39 min. 14 sec. East, a distance of 29.10 ft.;
4. North 80 deg. 55 min. 30 sec. East, a distance of 49.80 ft.;
5. North 84 deg. 10 min. 17 sec. East, a distance of 35.20 ft.;
6. South 71 deg. 30 min. 51 sec. East, a distance of 6.41 ft.;
7. South 23 deg. 37 min. 31 sec. East, a distance of 11.94 ft.;

8. South 48 deg. 57 min. 54 sec. East, a distance of 22.31 ft.;
9. South 78 deg. 22 min. 44 sec. East, a distance of 11.77 ft.;
10. South 44 deg. 57 min. 16 sec. East, a distance of 23.99 ft.;
11. South 72 deg. 03 min. 20 sec. East, a distance of 36.45 ft.;
12. North 83 deg. 45 min. 09 sec. East, a distance of 60.49 ft.;
13. South 45 deg. 51 min. 25 sec. East, a distance of 42.03 ft.;
14. South 88 deg. 20 min. 49 sec. East, a distance of 17.06 ft.;
15. South 70 deg. 55 min. 50 sec. East, a distance of 17.71 ft.;
16. North 79 deg. 53 min. 05 sec. East, a distance of 13.68 ft.;
17. North 62 deg. 26 min. 21 sec. East, a distance of 46.40 ft.;
18. North 43 deg. 42 min. 20 sec. East, a distance of 14.49 ft.;
19. North 13 deg. 18 min. 36 sec. East, a distance of 11.48 ft.;
20. North 82 deg. 07 min. 05 sec. East, a distance of 10.03 ft.;
21. South 86 deg. 09 min. 24 sec. East, a distance of 11.23 ft.;
22. South 49 deg. 44 min. 51 sec. East, a distance of 13.10 ft.;
23. South 70 deg. 30 min. 13 sec. East, a distance of 13.52 ft.;
24. South 84 deg. 22 min. 03 sec. East, a distance of 23.33 ft.;
25. South 35 deg. 35 min. 31 sec. East, a distance of 20.91 ft.;
26. South 84 deg. 29 min. 02 sec. East, a distance of 15.59 ft.;
27. South 51 deg. 00 min. 33 sec. East, a distance of 27.17 ft.;
28. South 78 deg. 25 min. 01 sec. East, a distance of 15.92 ft.;
29. North 58 deg. 51 min. 30 sec. East, a distance of 16.62 ft.;
30. South 49 deg. 41 min. 08 sec. East, a distance of 32.18 ft.;
31. South 29 deg. 08 min. 01 sec. East, a distance of 14.80 ft.;
32. South 05 deg. 40 min. 16 sec. East, a distance of 30.35 ft.;
33. South 51 deg. 27 min. 12 sec. East, a distance of 16.84 ft.;
34. North 55 deg. 07 min. 54 sec. East, a distance of 35.31 ft.;
35. North 89 deg. 52 min. 19 sec. East, a distance of 29.08 ft.;
36. South 31 deg. 29 min. 55 sec. East, a distance of 19.97 ft.;
37. South 47 deg. 09 min. 08 sec. East, a distance of 27.66 ft.;
38. South 18 deg. 55 min. 35 sec. East, a distance of 20.76 ft.;
39. South 63 deg. 16 min. 02 sec. East, a distance of 9.33 ft.;
40. North 87 deg. 41 min. 54 sec. East, a distance of 12.80 ft.;
41. North 49 deg. 59 min. 39 sec. East, a distance of 43.53 ft.;
42. North 77 deg. 10 min. 32 sec. East, a distance of 43.67 ft.;
43. South 57 deg. 38 min. 18 sec. East, a distance of 10.00 ft.;
44. South 05 deg. 42 min. 20 sec. East, a distance of 16.81 ft.;
45. South 42 deg. 16 min. 02 sec. East, a distance of 18.23 ft. at the centerline intersection of draw and creek;
46. South 06 deg. 44 min. 28 sec. West, a distance of 37.06 ft.
47. South 38 deg. 50 min. 25 sec. East, a distance of 22.72 ft.;
48. North 57 deg. 28 min. 10 sec. East, a distance of 27.21 ft.;
49. South 50 deg. 28 min. 32 sec. East, a distance of 39.42 ft.;
50. South 16 deg. 41 min. 39 sec. West, a distance of 23.29 ft.;
51. South 23 deg. 04 min. 58 sec. East, a distance of 57.84 ft.;
52. South 49 deg. 49 min. 02 sec. West, a distance of 11.63 ft.;
53. North 64 deg. 30 min. 49 sec. West, a distance of 30.50 ft.;
54. South 50 deg. 42 min. 11 sec. West, a distance of 13.78 ft.;
55. South 15 deg. 45 min. 26 sec. East, a distance of 89.36 ft.;
56. South 10 deg. 53 min. 35 sec. West, a distance of 43.60 ft.;
57. South 12 deg. 28 min. 08 sec. East, a distance of 31.05 ft.;
58. South 88 deg. 00 min. 34 sec. West, a distance of 34.12 ft.;
59. South 56 deg. 01 min. 46 sec. West, a distance of 51.74 ft.;
60. North 84 deg. 06 min. 45 sec. West, a distance of 43.29 ft.;
61. South 16 deg. 45 min. 37 sec. West, a distance of 21.78 ft.;
62. South 18 deg. 30 min. 22 sec. East, a distance of 15.05 ft.;
63. South 70 deg. 51 min. 54 sec. East, a distance of 17.06 ft.;
64. North 77 deg. 40 min. 40 sec. East, a distance of 15.14 ft.;
65. South 63 deg. 09 min. 50 sec. East, a distance of 20.43 ft.;
66. South 27 deg. 41 min. 10 sec. East, a distance of 19.98 ft.;
67. South 31 deg. 30 min. 58 sec. West, a distance of 9.86 ft.;
68. South 83 deg. 47 min. 46 sec. West, a distance of 51.58 ft.;

69. South 38 deg. 54 min. 19 sec. East, a distance of 29.87 ft.;
70. South 07 deg. 53 min. 15 sec. West, a distance of 13.82 ft.;
71. North 65 deg. 47 min. 39 sec. West, a distance of 19.26 ft.;
72. North 78 deg. 08 min. 54 sec. West, a distance of 76.63 ft.;
73. South 08 deg. 27 min. 48 sec. East, a distance of 53.59 ft.;
74. South 20 deg. 42 min. 26 sec. West, a distance of 26.91 ft.;
75. South 25 deg. 09 min. 45 sec. East, a distance of 31.09 ft.;
76. South 00 deg. 12 min. 02 sec. West, a distance of 31.14 ft.;
77. South 71 deg. 20 min. 53 sec. East, a distance of 29.06 ft.;
78. South 18 deg. 54 min. 03 sec. East, a distance of 13.15 ft.;
79. South 32 deg. 18 min. 04 sec. West, a distance of 25.49 ft.;
80. South 72 deg. 43 min. 07 sec. West, a distance of 15.31 ft.;
81. North 64 deg. 42 min. 33 sec. West, a distance of 23.37 ft.;
82. South 63 deg. 34 min. 24 sec. West, a distance of 18.33 ft.;
83. South 10 deg. 14 min. 08 sec. West, a distance of 43.90 ft.;
84. South 26 deg. 13 min. 56 sec. West, a distance of 34.33 ft.;
85. South 27 deg. 13 min. 02 sec. East, a distance of 20.15 ft.;
86. South 49 deg. 22 min. 10 sec. East, a distance of 24.64 ft.;
87. North 69 deg. 07 min. 38 sec. East, a distance of 21.11 ft.;
88. North 32 deg. 40 min. 48 sec. East, a distance of 40.78 ft.;
89. North 52 deg. 43 min. 43 sec. East, a distance of 44.54 ft.;
90. South 79 deg. 02 min. 31 sec. East, a distance of 17.91 ft.;
91. South 25 deg. 14 min. 13 sec. East, a distance of 10.50 ft.;
92. South 36 deg. 33 min. 49 sec. West, a distance of 45.96 ft.;
93. South 18 deg. 38 min. 57 sec. East, a distance of 60.30 ft.;
94. South 23 deg. 11 min. 17 sec. West, a distance of 22.34 ft.;
95. South 12 deg. 06 min. 39 sec. East, a distance of 59.69 ft.;
96. South 10 deg. 53 min. 13 sec. West, a distance of 48.67 ft.;
97. South 18 deg. 15 min. 42 sec. East, a distance of 38.78 ft.;
98. South 49 deg. 42 min. 55 sec. West, a distance of 38.39 ft.;
99. South 12 deg. 09 min. 41 sec. West, a distance of 41.04 ft.;
100. South 18 deg. 18 min. 43 sec. East, a distance of 46.98 ft.;
101. South 36 deg. 12 min. 31 sec. East, a distance of 41.45 ft.;
102. South 04 deg. 18 min. 51 sec. West, a distance of 40.66 ft.;
103. South 17 deg. 20 min. 59 sec. East, a distance of 18.23 ft.;
104. South 71 deg. 38 min. 45 sec. East, a distance of 27.15 ft.;
105. South 42 deg. 57 min. 19 sec. East, a distance of 11.61 ft.;
106. South 44 deg. 03 min. 41 sec. West, a distance of 29.44 ft.;
107. South 59 deg. 56 min. 34 sec. West, a distance of 26.44 ft.;
108. South 47 deg. 10 min. 58 sec. West, a distance of 23.76 ft.;
109. South 31 deg. 19 min. 02 sec. West, a distance of 37.17 ft.;
110. South 01 deg. 44 min. 52 sec. West, a distance of 35.97 ft. to a point at the Southwest corner of said Lot 1 and an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE North 87 deg. 26 min. 24 sec. East, with the South line of said Lot 1 and a North line of said Risland Mantua 2,304.493 ac., passing a 1/2 inch capped rebar set, stamped "RPLS 6578" (for witness) at 853.90 ft., and continuing on said course for a **TOTAL** distance of 953.68 ft. to a point in the West bank of pond, at the Southeast corner of said Lot 1 and an Ell corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE Northerly and Northeasterly, with the West bank of pond, an East line of said Lot 1, the East line of the 27.745 ac. tract of land conveyed to M&T Holding Company, LLC, recorded in Instrument No. 20141105001213360, said Official Public Records, the South and East lines of the 16.952 ac. (Tract 1) tract of land conveyed to MJLA Adams, Ltd., recorded in Instrument No. 20110505000462580, said Official Public Records, and the North and West lines of said Risland Mantua 2,304.493 ac., the following calls and distances:

1. North 03 deg. 01 min. 38 sec. West, a distance of 565.00 ft.;
2. North 33 deg. 47 min. 24 sec. East, a distance of 475.00 ft.;
3. North 42 deg. 00 min. 46 sec. East, a distance of 350.00 ft.;
4. North 65 deg. 07 min. 09 sec. East, a distance of 500.00 ft.;

5. North 20 deg. 08 min. 52 sec. East, a distance of 73.50 ft. to a 20 inch tree at bank of pond;
6. North 00 deg. 39 min. 26 sec. East, leaving said pond, a distance of 212.97 ft. to an angle point in fence;
7. North 01 deg. 46 min. 16 sec. West, with the general course of a wire fence, a distance of 327.25 ft. to an angle point in fence;
8. North 01 deg. 36 min. 16 sec. West, with the general course of a wire fence, a distance of 474.99 ft. to an angle point in fence;
9. North 02 deg. 12 min. 44 sec. West, with the general course of a wire fence, passing an 8 inch tree at fence corner (for witness) at 374.52 ft. and continuing on said course for a **TOTAL** distance of 412.36 ft. to a PK nail with metal flasher set in or near the center of County Road No. 372, a public road, in the East line of said W.P. Burns Survey and the West line of said Jonas Whitaker Survey, at the Northeast corner of said MJLA Adams 16.952 ac. and the most Northerly Northwest corner of the herein described tract;

THENCE Easterly, along or near the center of said County Road 372, over and across said Risland Mantua 2,304.493 ac., the following calls and distances:

1. North 49 deg. 39 min. 30 sec. East, a distance of 128.05 ft.;
2. North 57 deg. 41 min. 04 sec. East, a distance of 150.00 ft.;
3. North 74 deg. 45 min. 46 sec. East, a distance of 135.00 ft.;
4. North 89 deg. 48 min. 47 sec. East, a distance of 127.43 ft.;
5. South 86 deg. 46 min. 24 sec. East, a distance of 506.20 ft.;
6. South 87 deg. 57 min. 09 sec. East, a distance of 172.41 ft.;
7. South 77 deg. 53 min. 48 sec. East, a distance of 93.44 ft.;
8. South 63 deg. 12 min. 34 sec. East, a distance of 108.68 ft.;
9. South 63 deg. 13 min. 19 sec. East, a distance of 129.45 ft.;
10. South 67 deg. 28 min. 08 sec. East, a distance of 91.86 ft.;
11. South 69 deg. 30 min. 37 sec. East, a distance of 290.88 ft.;
12. South 86 deg. 32 min. 19 sec. East, a distance of 86.89 ft.;
13. North 53 deg. 44 min. 03 sec. East, a distance of 92.86 ft.;
14. North 36 deg. 53 min. 20 sec. East, a distance of 133.56 ft.;
15. North 34 deg. 02 min. 26 sec. East, a distance of 211.93 ft.;
16. North 32 deg. 02 min. 27 sec. East, a distance of 165.42 ft.;
17. North 37 deg. 58 min. 13 sec. East, a distance of 103.89 ft.;
18. North 69 deg. 36 min. 45 sec. East, a distance of 94.23 ft.;
19. South 75 deg. 13 min. 37 sec. East, a distance of 120.32 ft.;
20. South 69 deg. 40 min. 24 sec. East, a distance of 136.84 ft.;
21. South 67 deg. 26 min. 05 sec. East, a distance of 118.48 ft.;
22. South 72 deg. 05 min. 15 sec. East, a distance of 97.50 ft.;
23. South 87 deg. 33 min. 06 sec. East, a distance of 63.37 ft.;
24. North 86 deg. 07 min. 56 sec. East, a distance of 85.23 ft.;
25. North 86 deg. 33 min. 49 sec. East, a distance of 55.99 ft.;
26. North 87 deg. 25 min. 04 sec. East, a distance of 51.63 ft.;
27. North 89 deg. 27 min. 50 sec. East, a distance of 282.63 ft. to a PK nail set with metal flasher in or near the center of said County Road 372, in the West right-of-way line of U.S. Highway No. 75 and the East line of said Risland Mantua 2,304.493 ac., at the most Northerly Northeast corner of the herein described tract;

THENCE Southerly, with the West right-of-way line of said U.S. Highway No. 75 and an East line said Risland Mantua 2,304.493 ac., the following calls and distances:

1. South 00 deg. 19 min. 57 sec. West, a distance of 157.21 ft. to a 5/8 inch aluminum capped rebar found
2. South 07 deg. 56 min. 42 sec. West, a distance of 260.00 ft. to a 5/8 inch aluminum capped rebar found;
3. South 13 deg. 01 min. 18 sec. West, a distance of 90.77 ft. to a 5/8 inch aluminum capped rebar found;
4. South 13 deg. 19 min. 08 sec. East, a distance of 158.38 ft. to a 5/8 inch aluminum capped rebar found;
5. South 06 deg. 40 min. 27 sec. West, a distance of 690.13 ft. to a 10 inch wood corner post;
6. South 27 deg. 29 min. 40 sec. West, a distance of 226.76 ft. to a 5/8 inch aluminum capped rebar found;

7. North 88 deg. 16 min. 00 sec. West, a distance of 27.13 ft. to a 5/8 inch aluminum capped rebar found;
8. South 01 deg. 31 min. 42 sec. East, a distance of 99.77 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578";
9. South 88 deg. 15 min. 12 sec. East, a distance of 76.93 ft. to a 5/8 inch rebar found;
10. South 19 deg. 29 min. 08 sec. East, a distance of 125.64 ft. to a 5/8 inch rebar found;
11. South 00 deg. 19 min. 57 sec. West, a distance of 92.58 ft. to a 5/8 inch rebar found;
12. South 10 deg. 47 min. 37 sec. East, a distance of 305.87 ft. to a 5/8 inch rebar found;
13. South 06 deg. 13 min. 39 sec. East, a distance of 402.64 ft. to a 5/8 inch rebar found;
14. South 01 deg. 22 min. 49 sec. East, a distance of 299.50 ft. to a 5/8 inch aluminum capped rebar found;
15. South 04 deg. 03 min. 47 sec. West, a distance of 588.55 ft. to a 5/8 inch rebar found;
16. South 18 deg. 07 min. 48 sec. West, a distance of 100.58 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578";
17. South 02 deg. 24 min. 25 sec. West, a distance of 293.51 ft. to a 5/8 inch rebar found;
18. South 01 deg. 18 min. 32 sec. East, a distance of 197.35 ft. to a 5/8 inch rebar found;
19. South 07 deg. 36 min. 33 sec. West, a distance of 295.70 ft. to a 5/8 inch aluminum capped rebar found;
20. South 15 deg. 51 min. 34 sec. West, a distance of 202.09 ft. to a brass capped monument found;
21. South 07 deg. 39 min. 54 sec. West, a distance of 299.90 ft. to a brass capped monument found;
22. South 00 deg. 36 min. 24 sec. East, a distance of 202.34 ft. to a brass capped monument found;
23. South 07 deg. 35 min. 05 sec. West, a distance of 467.60 ft. to a brass capped monument found;
24. North 88 deg. 37 min. 42 sec. West, a distance of 15.83 ft. to a brass capped monument found;
25. South 00 deg. 49 min. 45 sec. West, a distance of 175.19 ft. to a brass capped monument found;
26. South 07 deg. 52 min. 40 sec. West, a distance of 113.17 ft. to a brass capped monument found;
27. South 88 deg. 30 min. 43 sec. West, a distance of 53.68 ft. to a brass capped monument found;
28. South 00 deg. 38 min. 27 sec. East, a distance of 69.59 ft. to a brass capped monument found;
29. North 89 deg. 26 min. 06 sec. East, a distance of 39.82 ft. to a brass capped monument found;
30. South 46 deg. 34 min. 09 sec. East, a distance of 4.94 ft. to a brass capped monument found;
31. South 07 deg. 38 min. 58 sec. West, a distance of 1,318.58 ft. to a brass capped monument found;
32. South 13 deg. 06 min. 56 sec. West, a distance of 200.42 ft. to a brass capped monument found;
33. South 07 deg. 01 min. 13 sec. West, a distance of 249.88 ft. to a brass capped monument found;
34. South 18 deg. 21 min. 18 sec. West, a distance of 584.03 ft. to a brass capped monument found;
35. South 07 deg. 40 min. 57 sec. West, a distance of 186.12 ft. to a brass capped monument found;
36. South 45 deg. 20 min. 37 sec. West, a distance of 79.29 ft. to a brass capped monument found;
37. South 83 deg. 25 min. 55 sec. West, a distance of 209.32 ft. to a brass capped monument found;
38. South 00 deg. 36 min. 48 sec. East, a distance of 56.51 ft. to a 5/8 inch aluminum capped rebar found in the pavement of said County Road 370, the North line of both said Alam 16.215 ac. and John Elliott Survey and the South line of said Henry Smith Survey, at the most Southerly Southeast corner of both said Risland Mantua 2,304.493 ac. and the herein described tract;

THENCE South 89 deg. 11 min. 17 sec. West, with the pavement of said County Road 370, the North line of both said Alam 16.215 ac. and John Elliott Survey and a South line of both said Mantua 2,304.493 ac. and Henry Smith Survey, a distance of 254.37 ft. to a 1/2 inch rebar found at an angle point;

THENCE South 88 deg. 36 min. 37 sec. West, continuing with the pavement of said County Road 370, the North line of both said Alam 16.215 ac. and John Elliott Survey and a South line of both said Mantua 2,304.493 ac. and Henry Smith Survey, a distance of 375.33 ft. to the **PLACE OF BEGINNING** and containing **694.344 ACRES** of land.



Kate A. Wagner, R.P.L.S. No. 6578
September 8, 2022

Exhibit A-1 Tract Two (92.667 ACRES)

SITUATED in the County of Collin, State of Texas, and being a part of the Henry Smith Survey, Abstract No. 822, the J.C. Burge Survey, Abstract No. 106, and being a part of the 555.801 acre tract of land (*Tract B*) conveyed from Viola Lordsmeer, L.P. to Risland Mantua, LLC by Special Warranty Deed dated June 25, 2018 and recorded in Instrument No. 20180625000783630, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 5/8 inch rebar found in the North line of both the Eli Witt Survey, Abstract No. 997 and the D.R. Horton, LTD 275.00 acre tract of land conveyed by Instrument No. 20210212000310470, said Official Public Records and the South line of said J.C. Burge Survey, at the Southwest corner of the 42.81 acre tract of land conveyed by Instrument No. 200610030014246640, said Official Public Records, at a Southeast corner of said Risland Mantua 555.801 ac. and the most Easterly Southeast corner of the herein described tract;

THENCE North 86 deg. 36 min. 27 sec. West, with the North line of both said Eli Witt Survey and D.R. Horton, LTD 275.00 ac. and the South line of both said Burge Survey and Risland Mantua 555.801 ac., a distance of 774.67 ft. to a 1/2 inch rebar found, at the most Eastern Northeast corner of said Henry Smith Survey, the Northwest corner of both said D.R. Horton 275.00 ac. and said Eli Witt Survey, at an Ell corner of both said Risland Mantua 555.801 ac. and the herein described tract;

THENCE South 00 deg. 33 min. 34 sec. East, with the West line of both said Eli Witt Survey and D.R. Horton, LTD 275.00 ac. and the East line of both said Henry Smith Survey and Risland Mantua 555.801 ac., a distance of 509.75 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the most Southerly Southeast corner of the herein described tract; **FROM** which a 1/2 inch rebar found at the most Southerly Southeast corner of said Risland Mantua 555.801 ac. bears South 00 deg. 33 min. 34 sec. East, 4,146.43 ft.;

THENCE South 32 deg. 09 min. 36 sec. West, over and across Risland Mantua 555.801 ac., a distance of 1,399.64 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" in the East right-of-way line of U.S. Highway No. 75 and the West line of said Risland Mantua 555.801 ac., at the most Southerly Southwest corner of the herein described tract;

THENCE in a Northeasterly direction, with the East line of said U.S. Highway No. 75 and West lines of said Risland Mantua 555.801 ac., the following calls and distances:

1. North 09 deg. 09 min. 44 sec. East, a distance of 468.21 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578";
2. North 04 deg. 48 min. 32 sec. East, a distance of 166.27 ft. to a brass capped monument found;
3. North 08 deg. 00 min. 27 sec. East, a distance of 570.88 ft. to a 5/8 inch rebar found;
4. North 07 deg. 33 min. 49 sec. East, a distance of 204.07 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578";
5. North 04 deg. 56 min. 12 sec. East, a distance of 408.10 ft. to a 1/2 inch rebar found;
6. North 08 deg. 50 min. 26 sec. East, a distance of 201.65 ft. to a 5/8 inch aluminum capped rebar found;
7. North 03 deg. 46 min. 37 sec. West, a distance of 157.48 ft. to a 5/8 inch aluminum capped rebar found;
8. North 02 deg. 24 min. 26 sec. East, a distance of 297.71 ft. to a 5/8 inch rebar found;
9. North 01 deg. 17 min. 34 sec. West, a distance of 373.25 ft. to a 5/8 inch rebar found;
10. North 03 deg. 24 min. 38 sec. East, a distance of 157.01 ft. to a 5/8 inch rebar found;

11. North 10 deg. 51 min. 17 sec. East, a distance of 626.29 ft. to a 5/8 inch rebar found;
12. North 39 deg. 04 min. 49 sec. East, a distance of 143.29 ft. to a 5/8 inch rebar found;
13. North 08 deg. 29 min. 33 sec. East, a distance of 132.69 ft. to a 5/8 inch aluminum capped rebar found;
14. South 88 deg. 41 min. 18 sec. East, a distance of 29.74 ft. to a 5/8 inch aluminum capped rebar found;
15. North 01 deg. 36 min. 08 sec. East, a distance of 109.73 ft. to a 5/8 inch aluminum capped rebar found;
16. North 88 deg. 24 min. 26 sec. West, a distance of 31.11 ft. to a 5/8 inch aluminum capped rebar found;
17. North 06 deg. 46 min. 11 sec. West, a distance of 159.76 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578";
18. North 34 deg. 41 min. 30 sec. West, a distance of 153.89 ft. to a 5/8 inch aluminum capped rebar found;
19. North 06 deg. 06 min. 32 sec. West, a distance of 469.93 ft. to a 5/8 inch aluminum capped rebar found;
20. North 14 deg. 15 min. 34 sec. West, a distance of 166.73 ft. to a 5/8 inch aluminum capped rebar found;
21. North 00 deg. 20 min. 02 sec. East, a distance of 570.00 ft. to a 5/8 inch aluminum capped rebar found;
22. North 02 deg. 17 min. 36 sec. East, a distance of 48.36 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the most Northerly Northwest corner of the herein described tract, **FROM** which a 5/8 inch aluminum capped rebar found at an angle point of said U.S. Highway No. 75 bears North 02 deg. 17 min. 36 sec. East, 331.91 ft.;

THENCE North 88 deg. 46 min. 19 sec. East, over and across said Risland Mantua 555.801 ac., a distance of 473.58 ft. to a 1/2 inch rebar found at the most Westerly Northwest corner of the "called" 60.94 acre tract of land conveyed to LHJH Properties, Ltd., recorded in Instrument No. 20061003001424620, said Official Public Records, an Ell corner of said Mantua 555.801 ac. and the most Northerly Northeast corner of the herein described tract;

THENCE South 00 deg. 57 min. 02 sec. East, with a West line of said LHJH Properties "called" 60.94 ac., an East line of said Risland Mantua 555.801 ac., entering the pavement of County Road 374 and continuing with the pavement, a distance of 913.62 ft. to a PK nail set at an angle point;

THENCE South 00 deg. 56 min. 52 sec. East, continuing with the pavement of said County Road 374, a West line of said LHJH Properties "called" 60.94 ac. and an East line of said Risland Mantua 555.801 ac., a distance of 689.52 ft. to a 1/2 inch rebar found at the centerline intersection of said County Road 374 with Mantua Road, a public road, at the most Westerly Southwest corner of said LHJH Properties "called" 60.94 ac., at an Ell corner of both said Risland Mantua 555.801 ac. and the herein described tract;

THENCE South 89 deg. 39 min. 31 sec. East, with the pavement of said Mantua Road, a South line of said LHJH Properties "called" 60.94 ac. and a North line of said Risland Mantua 555.801 ac., leaving the pavement of said Mantua Road and continuing on said course for a distance of 755.15 ft. to a 1/2 inch rebar found at an Ell corner of said LHJH Properties "called" 60.94 ac. and a Northeast corner of said Risland Mantua 555.801 ac., at the most Easterly Northeast corner of the herein described tract;

THENCE South 01 deg. 06 min. 31 sec. West, with a West line of said LHJH Properties "called" 60.94 ac., an East line of said Risland Mantua 555.801 ac., re-entering of the pavement of said Mantua Road, continuing with and leaving the pavement of the same and continuing, passing the most Southerly Southwest corner of said LHJH Properties "called" 60.94 ac. and the Northwest corner of said LHJH

Properties 42.81 ac. and continuing now with a West line of said LHJH Properties 42.81 ac. for a distance of 2,239.97 ft. to the **PLACE OF BEGINNING** and containing **92.667 ACRES** of land.



Kate A. Wagner, R.P.L.S. No. 6578
September 8, 2022
Revised: February 16, 2023

EXHIBIT A-2-1, A-2-II and A-2-III

Metes and Bounds Descriptions of Liberty 75 Property

EXHIBIT A-2-I

MIDDLE TRACT

BEING a tract of land situated in the Henry Smith Survey, Abstract No. 822, City of Anna, Collin County, Texas, and being a portion of a called 74.451-acre tract of land described in a deed to Liberty 75, LP, as recorded in Instrument No. 2024000024415 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a brass disk TXDOT right of way monument found for the southerly corner of a visibility clip at the westerly, southwest corner of said 74.451-acre tract, same being on the easterly right of way line of U. S. Highway 75, a variable width right of way, as described in a called 9.306-acre tract of land, conveyed to the State of Texas, as recorded in Instrument No. 20170920001260330 of the Official Public Records of Collin County, Texas;

THENCE in a northerly direction, along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, the following:

North 43°05'07" West, along said visibility clip, a distance of 74.58 feet to a point for corner;

North 01°01'07" West, a distance of 669.59 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears South 84°27' East, 0.85 feet;

North 05°53'54" East, a distance of 300.13 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears North 04°56' East, 0.37 feet;

North 06°23'15" East, a distance of 700.16 feet to a brass disk TXDOT right of way monument found for corner;

North 07°36'56" East, a distance of 123.96 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE North 07°36'56" East, continuing along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, a distance of 976.04 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears South 73°31' East, 1.17 feet;

THENCE North 09°45'02" East, continuing along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, a distance of 94.61 feet to the northwest corner of said 74.451-acre tract, same being on the southeasterly line of a 170' wide Texas Power & Light Easement as recorded in Volume 1155, Page 356 & Volume 1306, Page 763, both of the Official Public Records of Collin County, Texas, from which, a found 1/2-iron rod bears North 07°37' East, 0.71 feet;

THENCE North 32°09'34" East, departing the easterly right of way line of said U. S. Highway 75, along the northwest line of said 74.451-acre tract and the southeast line of said 170' wide Texas Power & Light Easement, a distance of 52.03 feet to a point for corner;

THENCE North 89°26'28" East, departing the northwest line of said 74.451-acre tract and the southeast line of said 170' wide Texas Power & Light Easement, crossing said 74.451-acre tract, a distance of 688.50 feet to a point for corner;

THENCE South 00°33'32" East, continuing across said 74.451-acre tract, a distance of 1,102.97 feet to a point for corner;

THENCE South 89°26'28" West, continuing across said 74.451-acre tract, a distance of 872.33 feet to the **POINT OF BEGINNING** and containing 20.064 acres of land, more or less.

EXHIBIT A-2-II

NORTH TRACT

BEING a tract of land situated in the Henry Smith Survey, Abstract No. 822, City of Anna, Collin County, Texas, and being a portion of a called 74.451-acre tract of land described in a deed to Liberty 75, LP, as recorded in Instrument No. 2024000024415 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a brass disk TXDOT right of way monument found for the southerly corner of a visibility clip at the westerly, southwest corner of said 74.451-acre tract, same being on the easterly right of way line of U. S. Highway 75, a variable width right of way, as described in a called 9.306-acre tract of land, conveyed to the State of Texas, as recorded in Instrument No. 20170920001260330 of the Official Public Records of Collin County, Texas;

THENCE in a northerly direction, along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, the following:

North 43°05'07" West, along said visibility clip, a distance of 74.58 feet to a point for corner;

North 01°01'07" West, a distance of 669.59 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears South 84°27' East, 0.85 feet;

North 05°53'54" East, a distance of 300.13 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears North 04°56' East, 0.37 feet;

North 06°23'15" East, a distance of 700.16 feet to a brass disk TXDOT right of way monument found for corner;

North 07°36'56" East, a distance of 1,100.00 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears South 73°31' East, 1.17 feet;

North 09°45'02" East, continuing along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, a distance of 94.61 feet to the northwest corner of said 74.451-acre tract, same being on the southeasterly line of a 170' wide Texas Power & Light Easement as recorded in Volume 1155, Page 356 & Volume 1306, Page 763, both of the Official Public Records of Collin County, Texas, from which, a found 1/2-iron rod bears North 07°37' East, 0.71 feet;

THENCE North 32°09'34" East, departing the easterly right of way line of said U. S. Highway 75, along the northwest line of said 74.451-acre tract and the southeast line of said 170' wide Texas Power & Light Easement, a distance of 52.03 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE North 32°09'34" East, continuing along the northwest line of said 74.451-acre tract and the southeast line of said 170' wide Texas Power & Light Easement, a distance of 1,273.79 feet to a point for corner, from which, a 1/2-inch iron rod with an orange cap, stamped "RPLS 6578" bears North 32°09'34" East, 74.00 feet;

THENCE South 00°33'32" East, continuing across said 74.451-acre tract, a distance of 1,071.69 feet to a point for corner;

THENCE South 89°26'28" West, continuing across said 74.451-acre tract, a distance of 688.50 feet to the **POINT OF BEGINNING** and containing 4.469 acres of land, more or less.

EXHIBIT A-2-III

SOUTH TRACT

BEING a tract of land situated in the Henry Smith Survey, Abstract No. 822, City of Anna, Collin County, Texas, and being a portion of a called 74.451-acre tract of land described in a deed to Liberty 75, LP, as recorded in Instrument No. 2024000024415 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a brass disk TXDOT right of way monument found for the southerly corner of a visibility clip at the westerly, southwest corner of said 74.451-acre tract, same being on the easterly right of way line of U. S. Highway 75, a variable width right of way, as described in a called 9.306-acre tract of land, conveyed to the State of Texas, as recorded in Instrument No. 20170920001260330 of the Official Public Records of Collin County, Texas;

THENCE in a northerly direction, along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, the following:

North 43°05'07" West, along said visibility clip, a distance of 74.58 feet to a point for corner;

North 01°01'07" West, a distance of 669.59 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears South 84°27' East, 0.85 feet;

North 05°53'54" East, a distance of 300.13 feet to a point for corner, from which, a found brass disk TXDOT right of way monument bears North 04°56' East, 0.37 feet;

North 06°23'15" East, a distance of 700.16 feet to a brass disk TXDOT right of way monument found for corner;

North 07°36'56" East, a distance of 123.96 feet to a point for corner;

THENCE North 89°26'28" East, departing the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, crossing said 74.451-acre tract, a distance of 872.33 feet to a point for corner;

THENCE South 00°33'32" East, continuing across said 74.451-acre tract, a distance of 1,787.92 feet to the beginning of a non-tangent curve to the right with a radius of 790.00 feet, a central angle of 04°10'17", and a chord bearing and distance of South 87°04'49" West, 57.50 feet;

THENCE in a westerly direction, continuing across said 74.451-acre tract, with said non-tangent curve to the right, an arc distance of 57.52 feet to a point for corner;

THENCE South 89°09'58" West, continuing across said 74.451-acre tract, a distance of 427.84 feet to the beginning of a tangent curve to the left with a radius of 1,260.00 feet, a central angle of 12°43'32", and a chord bearing and distance of South 82°48'12" West, 279.27 feet;

THENCE in a westerly direction, continuing across said 74.451-acre tract, with said tangent curve to the left, an arc distance of 279.85 feet to the beginning of a reverse curve to the right with a radius of 1,139.84 feet, a central angle of 06°32'52", and a chord bearing and distance of South 79°42'50" West, 130.19 feet;

THENCE in a westerly direction, continuing across said 74.451-acre tract, with said reverse curve to the right, an arc distance of 130.26 feet to a point for corner on the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75;

THENCE North 84°51'36" West, along the westerly line of said 74.451-acre tract and the easterly right of way line of said U. S. Highway 75, a distance of 61.90 feet to the **POINT OF BEGINNING** and containing 40.045 acres of land, more or less.

EXHIBIT A-3

**Metes and Bounds Description of the Thornton
Property**

Exhibit A-3 Thornton Tract

BEING a tract of land situated in the Joseph Britton Survey Survey, Abstract No. 72, Collin County, Texas, and being all of a called 103-acre tract of land described in a deed to The Thornton Family Trust, recorded in Instrument No. 20210430000877560, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the southeast corner of said 103-acre tract, common to the westernmost southwest corner of a called 694.344-acre tract of land described as Tract One in a deed to Liberty 800, LP, recorded in Instrument No. 2023000025691, said Official Public Records, common to the northwest corner of a called 52.771-acre tract of land described in a deed to Janis Real Estate, recorded in Instrument No. 2022040000632060, said Official Public Records, common to the northeast corner of a called 103.991-acre tract of land described in a deed to Mohammad Ali Monouchehripour, recorded in Volume 5200, Page 5012, Land Records, Collin County, Texas, same also being in County Road No. 290 (public use right-of-way, no record found);

THENCE South 89°51'39" West, departing said County Road No. 290 and with the common line of said 103-acre tract and said 103.991-acre tract, a distance of 1,815.28 feet to a 1/2-inch iron rod with plastic cap "Illegible" found for the northwest corner of said 103.991-acre tract, common to the northeast corner of a called 11.000-acre tract of land described in a deed to Mathew T. Benton, et ux, recorded in Instrument No. 20170316000337930, said Official Public Records;

THENCE South 89°46'58" West, with the common line of said 103-acre tract and said 11.000-acre tract, a distance of 491.25 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the southwest corner of said 103-acre tract;

THENCE North 01°49'44" East, departing the northerly line of said 11.000-acre tract and with the westerly line of said 103-acre tract and the easterly lines of a called 10.000-acre tract of land described in a deed to Angela Reston, recorded in Instrument No. 20130816001163630, said Official Public Records, and a called 45.002-acre tract of land described in a deed to Angela Reston, recorded in Instrument No. 20130816001163610, said Official Public Records, and generally along the center of County Road No. 289 (public use right-of-way, no record found), a distance of 617.13 feet to a PK nail set for corner;

THENCE North 00°56'55" East, continuing with the westerly line of said 103-acre tract and the easterly line of said 45.002-acre tract, and with the easterly line of a called 25.2172-acre tract of land described in a deed to Shawn C. & Latricia G. Smith, recorded in Instrument No. 20210112000065970, said Official Public Records, and continuing generally along the center of said County Road No. 289, a distance of 751.13 feet to a PK nail set for corner;

THENCE North 00°23'27" West, continuing with the westerly line of said 103-acre tract and the easterly line of said 25.2172-acre tract, and with the easterly line of a called 9.213-acre tract of land described in a deed to Timothy J. Kennedy and Thomas W. Kennedy, recorded in Instrument No. 20140814000866610, said Official Public Records, and continuing generally along the center of said County Road No. 289, a distance of 628.28 feet to a PK nail set for the northwest corner of said 103-acre tract, common to the southwest corner of a called 105-acre tract of land described in a deed to The Thornton Family Trust, recorded in Instrument No. 20210430000877690, said Official Public Records;

THENCE North 89°12'22" East, departing the easterly line of said 9.213-acre tract and said County Road No. 289, and with the northerly line of said 103-acre tract and the southerly lines of said 105-acre tract and a called 40-acre tract of land described in a deed to The Thornton Family Trust, recorded in Instrument No. 20210430000877470, said Official Public Records, and a called 2304.493-acre tract of land described as Tract F in a deed to Risland Mantua, LLC, recorded in Instrument No. 20180625000783630, said Official Public Records and in Instrument No. 2018-14251, Official Public Records, Grayson County, Texas, and generally along the center of County Road No. 1101 (public use right-of-way, no record found), a distance of 2,235.58 feet to a PK nail set for the northeast corner of said 103-acre tract, common an angle point in the southerly line of said Tract F, same being on the westerly line of a called 10.669-acre tract of land described in a deed to Delmore A.M. Church and Joyce Church, recorded in Volume 702, Page 585, said Land Records, same also being the intersection of said County Road No. 1101 and the aforementioned County Road No. 290;

THENCE South 01°14'56" East, departing the southerly line of said Tract F and with the common line of said 103-acre tract and said 10.669-acre tract, and generally along the center of said County Road No. 290, a distance of 890.33 feet to a PK nail set for the southwest corner of said 10.669-acre tract, common to the westernmost northwest corner of the aforementioned Tract One, from which a PK nail found for witness bears North 75°05'07" West, 1.12 feet;

THENCE South 01°12'42" East, with the common line of said 103-acre tract and said Tract One, and continuing generally along the center of said County Road No. 290, a distance of 1,130.95 feet to the **POINT OF BEGINNING** and containing 4,544,381 square feet or 104.325 acres of land, more or less.

EXHIBIT A-4

**Metes and Bounds Description of the Janis RE
Property**

Exhibit A-4 Janis RE Tract

BEING a tract of land situated in the Zachariah Roberts Survey, Abstract No. 760, City of Anna, Collin County, Texas, and being all of a called 52.771-acre tract of land, described in a Warranty Deed to Janis Real Estate, recorded in Instrument No. 20220420000632060 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found in County Road 290, an apparent public use right of way, no record found, for the northwest corner of said 52.771-acre tract, same being the westerly, southwest corner of Tract One (called 694.334-acres), described in a deed to Liberty 800, LP, recorded in Instrument No. 2023000025691 of the Official Public Records of Collin County, Texas

THENCE North 88°29'13" East, departing said County Road 290, along the northerly line of said 52.771-acre tract and a southerly line of said Tract One (called 694.334-acres), passing at a distance of 22.66 feet, a found 1/2-inch iron rod, passing at a distance of 1,915.36 feet, a found 5/8-inch iron rod, continuing for a total distance of 1,940.95 feet to a point for corner in an unnamed stream;

THENCE in a southeasterly direction, along a southwesterly line of said Tract One (called 694.334-acres), and along the meanders of said stream, the following:

South 33°10'55" East, a distance of 12.05 feet to a point for corner;

North 77°29'33" East, a distance of 63.05 feet to a point for corner;

South 31°24'12" East, a distance of 45.14 feet to a point for corner;

South 20°44'38" West, a distance of 41.43 feet to a point for corner;

South 51°05'09" East, a distance of 29.42 feet to a point for corner;

South 74°15'03" East, a distance of 25.54 feet to a point for corner;

North 89°23'21" East, a distance of 70.37 feet to a point for corner;

South 23°39'03" East, a distance of 52.95 feet to a point for corner;

South 67°42'02" East, a distance of 33.33 feet to a point for corner;

North 87°34'10" East, a distance of 28.77 feet to a point for corner;

North 72°45'56" East, a distance of 40.53 feet to a point for corner;

North 61°06'37" East, a distance of 35.06 feet to a point for corner;

North 70°57'23" East, a distance of 52.73 feet to a point for corner;

South 45°16'16" East, a distance of 161.75 feet to a point for corner;

South 78°02'53" East, a distance of 43.16 feet to a point for corner;

South 48°41'18" East, a distance of 61.75 feet to a point for corner;
South 26°20'00" East, a distance of 52.30 feet to a point for corner;
South 41°31'56" East, a distance of 71.58 feet to a point for corner;
South 61°04'09" East, a distance of 43.45 feet to a point for corner;
South 74°50'18" East, a distance of 51.31 feet to a point for corner;
South 67°40'27" East, a distance of 74.73 feet to a point for corner;
North 78°02'05" East, a distance of 27.52 feet to a point for corner;
North 55°10'00" East, a distance of 27.35 feet to a point for corner;
South 43°24'18" East, a distance of 52.01 feet to a point for corner;
South 11°56'26" East, a distance of 54.70 feet to a point for corner;
South 35°23'19" East, a distance of 27.58 feet to a point for corner;
North 76°58'39" East, a distance of 33.36 feet to a point for corner;
South 74°58'05" East, a distance of 33.79 feet to a point for corner;
North 84°50'03" East, a distance of 47.01 feet to a point for corner;
South 67°01'29" East, a distance of 30.31 feet to a point for corner;
South 25°25'26" East, a distance of 47.54 feet to a point for corner;
South 83°06'16" East, a distance of 148.71 feet to a point for corner;
South 27°26'38" East, a distance of 22.31 feet to a point for corner;
South 20°24'50" West, a distance of 33.05 feet to a point for corner;
South 81°00'45" West, a distance of 25.03 feet to a point for corner;
South 22°14'44" West, a distance of 25.85 feet to a point for corner;
South 71°22'19" East, a distance of 21.59 feet to a point for corner;
South 17°12'14" East, a distance of 18.36 feet to a point for corner;
South 43°03'46" West, a distance of 28.01 feet to a point for corner;
South 77°43'43" West, a distance of 16.69 feet to a point for corner;
South 53°06'48" West, a distance of 15.77 feet to a point for corner;

South 13°04'46" East, a distance of 18.22 feet to a point for corner;

South 86°18'51" East, a distance of 19.60 feet to a point for corner;

North 64°02'23" East, a distance of 41.91 feet to a point for corner;

South 87°03'39" East, a distance of 12.89 feet to a point for corner;

South 44°49'18" East, a distance of 31.14 feet to a point for corner;

South 72°20'36" East, a distance of 44.01 feet to a point for corner;

South 10°24'46" East, a distance of 17.30 feet to a point for corner;

South 50°40'12" West, a distance of 42.51 feet to a point for corner;

South 26°45'33" West, a distance of 14.91 feet to a point for corner;

South 22°54'12" East, a distance of 86.03 feet to a point for corner;

North 68°54'13" East, a distance of 27.87 feet to a point for corner;

South 83°50'31" East, a distance of 22.51 feet to a point for corner;

South 55°20'43" East, a distance of 26.96 feet to a point for corner;

South 30°12'42" West, a distance of 86.18 feet to a point for corner;

South 18°54'48" East, a distance of 46.25 feet to a point for corner;

South 70°40'03" East, a distance of 3.83 feet to the southeast corner of said 52.771-acre tract, same being on the northerly line of a called 48.900-acre tract of land described in a deed to Donna Gail Peeler, recorded in Volume 4972, Page 5535 of the Land Records of Collin County, Texas;

THENCE South 88°38'34" West, departing said stream, along the southerly line of said 52.771-acre tract and the northerly line of said 48.900-acre tract, a distance of 1,014.81 feet to a 1/2-inch iron rod with a plastic cap, stamped "PRECISE LAND SURVEY" found for a southwest corner of said 52.771-acre tract;

THENCE North 05°10'28" East, departing the northerly line of said 48.900-acre tract and along an easterly line of said 52.771-acre tract, a distance of 536.25 feet to a 5/8-inch iron rod with a plastic cap, stamped "NTS" found for a corner;

THENCE South 88°39'14" West, along a southerly line of said 52.771-acre tract, a distance of 644.48 feet to a 1/2-inch iron rod with a plastic cap, stamped "PRECISE LAND SURVEY" found for corner;

THENCE South 03°09'12" East, along an easterly line of said 52.771-acre tract, a distance of 467.12 feet to a 1/2-inch iron rod with an unreadable plastic cap found for corner;

THENCE South 88°38'34" West, along a southerly line of said 52.771-acre tract, a distance of 1,253.06 feet to a 5/8-inch iron rod with a plastic cap, stamped "NTS" found for corner;

THENCE North 00°58'35" West, along an easterly line of said 52.771-acre tract, a distance of 606.39 feet to a 5/8-inch iron rod with a plastic cap, stamped "NTS" found for corner;

THENCE South 89°01'25" West, along a southerly line of said 52.771-acre tract, a distance of 455.00 feet to a MAG Nail found for the westerly, southwest corner of said 52.771-acre tract, same being in aforesaid County Road 290;

THENCE North 00°58'35" West, along the westerly line of said 52.771-acre tract and along said County Road 290, a distance of 389.53 feet to the **POINT OF BEGINNING** and containing 52.750 acres (2,297,787 square feet) of land, more or less.

EXHIBIT A-5

Metes and Bounds Description of the Janis Property

Exhibit A-5 Jay and Irene Janis Tract (16 ac)

BEING a tract of land situated in the Zachariah Roberts Survey, Abstract No. 760, City of Anna, Collin County, Texas, and being a portion of a called 68.835-acre tract of land, described in a Warranty Deed, recorded in County Clerk's File No. 96-0069284 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail found in County Road 290, an apparent public use right of way, no record found, for the southwest corner of said 52.771-acre tract, same being the northwest corner of a called 48.900-acre tract of land described in a deed to Donna Gail Peeler, recorded in Volume 4972, Page 5535 of the Land Records of Collin County, Texas;

THENCE North 00°58'35" West, along the westerly line of said 68.835-acre tract and along said County Road 290, a distance of 675.42 feet to a MAG Nail found for the westerly, southwest corner of a called 52.771-acre tract of land, described in a Warranty Deed to Janis Real Estate, recorded in Instrument No. 20220420000632060 of the Official Public Records of Collin County, Texas;

THENCE North 89°01'25" East, departing the westerly line of said 68.835-acre tract and said County Road 290, along a southerly line of said 52.772-acre tract, a distance of 455.00 feet to a 5/8-inch iron rod with a plastic cap, stamped "NTS" found for corner;

THENCE South 00°58'35" East, along an easterly line of said 52.771-acre tract, a distance of 606.39 feet to a 5/8-inch iron rod with a plastic cap, stamped "NTS" found for corner;

THENCE North 88°38'34" East, along a southerly line of said 52.771-acre tract, a distance of 1,253.06 feet to a 1/2-inch iron rod with an unreadable plastic cap found for corner;

THENCE North 03°09'12" West, along an easterly line of said 52.771-acre tract, a distance of 467.12 feet to a 1/2-inch iron rod with a plastic cap, stamped "PRECISE LAND SURVEY" found for corner;

THENCE North 88°39'14" East, along a southerly line of said 52.771-acre tract, a distance of 644.48 feet to a 5/8-inch iron rod with a plastic cap, stamped "NTS" found for corner;

THENCE South 05°10'28" West, along an easterly line of said 52.771-acre tract, a distance of 536.25 feet to a 1/2-inch iron rod with a plastic cap, stamped "PRECISE LAND SURVEY" found for a southwest corner of said 52.771-acre tract, same being on the southerly line of said 68.835-acre tract and the northerly line of said 48.900-acre tract;

THENCE South 88°38'34" West, along the southerly line of said 68.835-acre tract and the northerly line of said 48.900-acre tract, a distance of 2,277.35 feet to the **POINT OF BEGINNING** and containing 16.348 acres (712,115 square feet) of land, more or less.

EXHIBIT B

Depiction of the Property

EXHIBIT C

Illustrative Layout

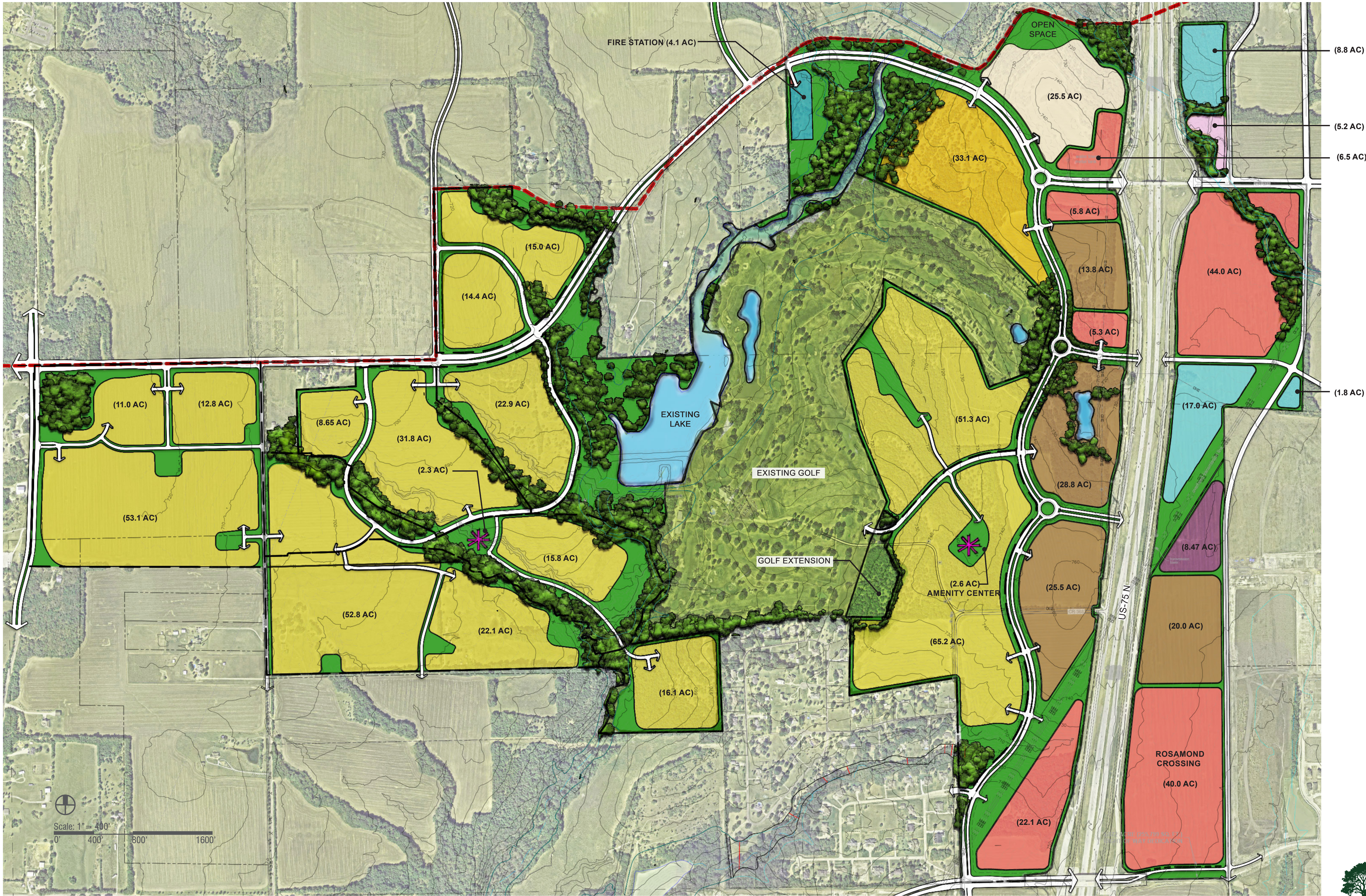


EXHIBIT D

Development Standards

EXHIBIT D

DEVELOPMENT REGULATIONS FOR LIBERTY HILLS

The permitted uses and standards for development of the Property shall be in accordance with the Single-Family Residential District (SF-8.4), Single-Family Residential District (SF-7.2), Single-Family Residential District (SF-6.0), Mixed-Density Residential District (MD - **Single-Family Garden Home, Single-Family Attached, Single-Family Duplex**), Multi-Family Residential District (MF), Local Commercial District (C-1), Regional Commercial District (C-2), Mixed-Use District (MU), Light Industrial District (I-1), and Heavy Industrial District (I-2) of the Zoning Ordinance and applicable City Regulations, except as amended and modified in these Development Regulations and this Agreement including without limitation the City's Planning and Development Regulations.

Disclaimer: Zoning Ordinance modifications set forth herein are specifically related to the Property associated with this Development Agreement and shall not apply to any additional areas within or outside of the city limits.

Illustrative Layout; Conflicts and Terms.

1. Development shall generally comply with Exhibit C – “Illustrative Layout”. Where there is a conflict between the Illustrative Layout and these Development Regulations, these Development Regulations shall control.
2. Changes to the Illustrative Layout which do not significantly alter the basic relationship of the proposed single-family development area to adjacent property and which do not significantly alter the uses permitted or significantly increase the density, building height, or coverage of the site and which do not significantly decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, all as indicated in these Development Regulations, may be authorized by the Director of Development Services or his/her designee when the revised Concept Plan generally conforms to the intent of the original Planned Development. Significant changes to the Illustrative Plan shall be approved by City Council. A Concept Plan will be required as part of the zoning process and be approved by City council. Where there is a conflict between the Illustrative Layout and the Concept Plan, the concept Plan shall control.
3. These Development Regulations and the City's Ordinances in effect at the time these Development Regulations were prepared shall control development of the project. Where there is a conflict between these Development Regulations and the City's Zoning Ordinance, these Development Regulations shall control. Upon approval of a Planned Development District in accordance with these Development Regulations, the Planned Development shall control.
4. Terms that are not defined in these Development Regulations shall have the meanings ascribed to such terms in the City's Zoning Ordinance or the Development Agreement, as applicable. When there is a conflict between the City's Zoning Ordinance and the Development

Agreement, the Development Agreement shall control.

5. Allowable land uses are identified on Exhibit B – “Zoning District Map” of the Development Agreement.
6. Multi-family residential units shall be setback a minimum of 200’ from the approximate centerline of U.S. Highway 75. Single-family residential uses shall be setback a minimum of 800’ from the approximate centerline of U.S. Highway 75.
 - A. Multi-family residential includes multi-family dwellings and dwellings within mixed-use buildings, and live-work units,
 - B. Single-family uses include attached and detached single-family dwellings, two family dwellings, single-unit or duplex-unit park, and townhome units.
7. Maximum number of residential units (combined total of S-8.4, SF-7.2, SF-6.0, MF, MD, and MU districts): 5,000 units.
 - A. Maximum number of MF and MU units 60%
 - B. Maximum number of Single-Family and MD units 40%
 - i. Maximum number of MD units 30%
 - ii. Maximum number of SF-6.0 units 45%
 - iii. Minimum number of SF-7.2 units 20%
 - iv. Minimum number of SF-8.4 units 58

Lot sizes may be mixed within each area to provide additional options and character to the project.

8. Fencing:
 - A. All fences backing or siding onto Standridge Boulevard, Mantua Parkway, CR 290 and CR 289 shall be solid masonry construction.
 - B. All fences backing or siding on to creek corridors (greenbelts), linear park areas, or open space areas shall be ornamental metal fences, such as wrought iron or tubular steel. All wood privacy fencing between residences shall be at least six feet in height. Wood fencing shall be stained and sealed. Plastic and chain link fencing is prohibited.
 - C. All fences backing or siding on to pocket parks, common areas and the project perimeter shall be uniform wood (board on board) construction measuring at least six feet in height.
 - D. Allowable fencing materials are further identified on Exhibit D-1– “Fence Exhibit” of these Development Standards.
9. A minimum 20-foot-wide common area tract to be owned and maintained by the homeowners’ association will be required along both sides of Mantua Parkway, Standridge Boulevard, CR 290 and CR 289 as shown on the Illustrative Layout. Within the 20-foot-wide common area tract, Developer shall be required to plant one large tree (minimum of three-inch caliper and

seven feet height at the time of planting) per 50 linear feet of screening wall and one ornamental tree per 30 feet of screening wall. Trees may be grouped or clustered to facilitate site design.

10. Private Amenities:

- A. The creek corridors (greenbelts), pocket parks, and linear park areas shall be provided in the general locations shown on the Illustrative Layout; provided, however, that the final locations of the greenbelt, pocket parks and linear park areas shall be determined at the time of Concept Plan approval and may be approved in phases per platting approval. The Director of Development Services or his/her designee is authorized to administratively approve modifications to the locations of the creek corridors, pocket parks and linear park areas during the platting stage or the permitting stage. Developer may receive credit against Park Development and Park Dedication Fees for these areas as set forth in the Development Agreement.
- B. The location of the trail system shall be in general conformance with the Illustrative Layout; provided, however, that the final locations of the trail system shall be determined at the time of civil engineering plan approval and may be approved in phases per platting approval. The Director of Development Services or his/her designee is authorized to administratively approve modifications to the locations of the trail system during the platting stage or the permitting stage.
- C. Two private amenity center facilities shall be provided as part of the single-family development in the general locations shown on the Illustrative Layout.

11. Public Parks and Amenities:

- A. The creek corridors (greenbelts), linear park areas and trail system shown on the Illustrative Layout shall be accessible and open to the general public. Upon approval of the Park Board, City Council, and City staff of park land dedication documents and construction plans for park amenities and trail system improvements in-line with the Anna 2050 Parks, Open Space, Trails, & Recreation Master Plan, the Developer will receive credit against Park Development and Park Dedication Fees for these areas as set forth in the Development Agreement.

12. Infrastructure Improvements: As shown on the Illustrative Layout Mantua Parkway shall be dedicated with a 120' R.O.W. as a 6 lane divided principal arterial; Rosamond Parkway shall be dedicated with a 120' R.O.W. as a 6 lane divided principal arterial; Standridge Parkway shall be dedicated with a 90' R.O.W. as a 4 lane divided arterial; Buddy Hayes Boulevard, between Rosamond Parkway and Mantua Parkway, shall be dedicated with an 80' R.O.W. as a 4 lane undivided arterial; Buddy Hayes Boulevard, north of Mantua Parkway, shall be dedicated with an 80' R.O.W. as a 4 lane undivided arterial; CR 289 shall be dedicated with a 120' R.O.W. as a 6 lane divided principal arterial; CR 290 shall be dedicated with a 60' R.O.W.

as a 2 lane undivided minor collector; and CR 371, west of Buddy Hayes Boulevard, shall be dedicated with a 60' R.O.W. as a 2 lane undivided minor collector.

ARTICLE 9.02 SUBDIVISION REGULATIONS

(For the purpose of this document, Deletions of certain regulation provisions that are not applicable are indicated in ~~strike through~~ text and Additions or Changes (i.e., added or revised development standards that are in addition to or differ from existing regulation provisions) are indicated with **Green** text.)

1. **Sec. 9.02.086 Sidewalks**

(a) Provided in Residential and Nonresidential Areas

- (1) Pedestrian concrete walkways (sidewalks) not less than the following width shall be provided along both sides of newly constructed streets as follows:

Street Type	Sidewalk Width
Arterial	6 feet
Divided and undivided collector	6 feet
Neighborhood collector	6 feet
Local residential	6 feet 5 feet

- (2) Construction standards for sidewalks shall be as set forth in the City's design standards.
- (3) **Concrete trails identified on the Illustrative Layout shall be 10 feet wide.**

ARTICLE 9.03 DESIGN STANDARDS

1. Sec. 2 Streets

Table 2.1 GEOMETRIC DESIGN STANDARDS

Design Element	Principal Arterial Divided	Minor Arterial Divided	Minor Arterial Undivided	Major Collector Undivided	Minor Collector Undivided	Local
Number of Traffic Lanes	6	4	4	4	2	2
Maximum Lane Width (Feet)	12	12	12	11	11+	15
Minimum RW Width * (Feet)	120	90	80	80	60	50
Design Speed (MPH)	45	40	40	40	35	25
Stopping Sight distance (Feet)	400	325	325	325	325	325
Median Width ** (Feet)	16	14	14	-	-	-
Minimum Lateral Clearance (feet)	6	6	6	6	6	-
Parking Permitted	No	No	No	No	Com. Some / Res. Yes	Res. Yes
Minimum Horizontal Centerline Curvature (Feet)	1200	850	850	Com. 700 Res. 600	Com. 500 Res. 350	Res. 200 Elbow 50'

*** RIGHT-OF-WAY REQUIREMENTS FOR STATE HIGHWAY AND/OR THE PROVISION OF RIGHT TURN LANES OR OTHER INTERSECTION IMPROVEMENTS MAY EXCEED THIS MINIMUM RW STANDARDS.**

**** LARGER MEDIANS MAY BE REQUIRED TO PROVIDE FOR MULTIPLE TURN LANES.**

***** LOCAL RESIDENTIAL CUL-DE-SACS SHALL HAVE A MINIMUM RW RADIUS OF FIFTY FEET (50').**

ARTICLE 9.04 ZONING ORDINANCE

1. Sec. 9.04.014 Single-Family Residential (SF-8.4) District

- (c) Dimensional Standards. Development in the Single-Family Residential (SF-8.4) district shall follow Table 7: Single-Family Residential (SF-8.4) District Dimensional Standards.

Table 7: Single-Family Residential (SF-8.4) District Dimensional Standards

Single-Family Residential (SF-8.4) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	8,400square feet ¹
B	Lot Width (min.)	70 feet
C	Lot Depth (min.)	120 feet ¹
D	Lot Coverage (max.)	50% 65% ¹
Setback Requirements		
E	Front Yard (min.)	15 feet ²
F	Rear Yard (min.)	20 feet ³
G	Side Yard (min.)	7 5 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
J	Minimum Building Square Footage ⁴	100% - 2,200 sf 50% - 2,800 sf
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations		Sec. 9.04.046 – Screening and Fencing
Sec. 9.04.042 – Site Design Requirements		Sec. 9.04.047 – Outdoor Lighting
Sec. 9.04.043 – Parking		Sec. 9.04.048 – Trash
Sec. 9.04.044 – Loading		Sec. 0.04.049 – Performance Standards
Sec. 0.04.045 - Landscaping		

¹ For lots located in cul-de-sacs or at knuckles lot area shall be reduced to 7,000 square feet; lot depth shall be reduced to 100 feet; and lot coverage shall be increased to 70%.

² Front facing garage doors shall be no closer than 20 feet from the front property line.

³ Covered, non-enclosed patios may encroach up to 5'.

⁴ Minimum Building Square Footage shall mean the net internal building square footage of air-conditioned interior space.

2. **Sec. 9.04.015 Single-Family Residential (SF-7.2) District**

- (c) Dimensional Standards. Development in the Single-Family Residential (SF-7.2) district shall follow Table 8: Single-Family Residential (SF-7.2) District Dimensional Standards.

Table 8: Single-Family Residential (SF-7.2) District Dimensional Standards

Single-Family Residential (SF-7.2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	7,200 square feet ¹
B	Lot Width (min.)	60 feet
C	Lot Depth (min.)	120 feet ¹
D	Lot Coverage (max.)	50% 60% ¹
Setback Requirements		
E	Front Yard (min.)	15 feet ²
F	Rear Yard (min.)	20 feet ³
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
J	Minimum Building Square Footage ⁴	100% - 1,800 sf 75% - 2,200 sf 50% - 2,400 sf
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards

¹ For lots located in cul-de-sacs or at knuckles lot area shall be reduced to 7,000 square feet; lot depth shall be reduced to 100 feet; and lot coverage shall be increased to 70%.

² Front facing garage doors shall be no closer than 20 feet from the front property line.

³ Covered, non-enclosed patios may encroach up to 5'.

⁴ Minimum Building Square Footage shall mean the net internal building square footage of air-conditioned interior space.

3. **Sec. 9.04.016 Single-Family Residential (SF-6.0) District**

- (c) Dimensional Standards. Development in the Single-Family Residential (SF-6.0) district shall follow Table 9: Single-Family Residential (SF-6.0) District Dimensional Standards.

Table 9: Single-Family Residential (SF-6.0) District Dimensional Standards

Single-Family Residential (SF-6.0) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	6,000 square feet ¹
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	120 feet ¹
D	Lot Coverage (max.)	50% 65% ¹
Setback Requirements		
E	Front Yard (min.)	20 15 feet ²
F	Rear Yard (min.)	20 feet ³
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
J	Minimum Building Square Footage ⁴	100% - 1,700 sf 75% - 2,000 sf 50% - 2,200 sf
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards

¹ For lots located in cul-de-sacs or at knuckles lot area shall be reduced to 7,000 square feet; lot depth shall be reduced to 100 feet; and lot coverage shall be increased to 70%.

² Front facing garage doors shall be no closer than 20 feet from the front property line.

³ Covered, non-enclosed patios may encroach up to 5’.

⁴ Minimum Building Square Footage shall mean the net internal building square footage of air-conditioned interior space.

4. **Sec. 9.04.017 Mixed-Density Residential (MD) District**

- (c) Dimensional Standards. Development in the Mixed-Density Residential (MD) district shall follow Table 10: Mixed-Density Residential (MD) District **Single-Family Garden Home, Single-Family Attached, Duplex** Dimensional Standards.

Table 10: Mixed-Density Residential (MD) District Dimensional Standards

Mixed-Density Residential (MD) District Single-Family Garden Home Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	4,500 4,800 square feet
B	Lot Width (min.)	25 feet
C	Lot Depth (min.)	80 feet
D	Lot Coverage (max.)	60% 70%
Setback Requirements		
E	Front Yard (min.)	10 15 feet ¹
F	Rear Yard (min.)	10 20 feet ²
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	10 15 feet
Building Requirements		
I	Building Height (max.)	35 feet
J	Minimum Building Square Footage ³	100% - 1,500 sf 75% - 1,800 sf 50% - 2,000 sf
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 0.04.045 - Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 0.04.049 – Performance Standards

Mixed-Density Residential (MD) District Single-Family Attached Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	4,500 2,400 square feet per unit
B	Lot Width (min.)	25 feet
C	Lot Depth (min.)	80 70 feet
D	Lot Coverage (max.)	60% 70%
Setback Requirements		
E	Front Yard (min.)	10 15 feet ¹
F	Rear Yard (min.)	10 15 feet ²
G	Side Yard (min.)	5 0 feet / 10 feet between buildings or 10 feet for each end-unit lot
H	Corner Side Yard (min.)	10 15 feet
Building Requirements		
I	Building Height (max.)	35 feet
J	Minimum Building Square Footage ³	1,800 square feet per unit
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 0.04.045 - Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 0.04.049 – Performance Standards

Mixed-Density Residential (MD) District Duplex Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	4,500 2,400 square feet per unit
B	Lot Width (min.)	25 feet
C	Lot Depth (min.)	80 feet
D	Lot Coverage (max.)	60%
Setback Requirements		
E	Front Yard (min.)	10 15 feet ¹
F	Rear Yard (min.)	10 15 feet ²
G	Side Yard (min.)	5 0 feet / 10 feet between buildings
H	Corner Side Yard (min.)	10 15 feet
Building Requirements		
I	Building Height (max.)	35 feet
J	Minimum Building Square Footage ³	1,500 square feet per unit
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 0.04.045 - Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 0.04.049 – Performance Standards

¹ Front facing garage doors shall be no closer than 20 feet from the front property line.

² Covered, non-enclosed patios may encroach up to 5'.

³ Minimum Building Square Footage shall mean the net internal building square

footage of air-conditioned interior space.

5. **Sec. 9.04.018 Multi-Family Residential (MF) District**

(c) Dimensional Standards. Development in the Multi-Family Residential (MF) district shall follow Table 11: Multi-Family Residential (MF) District Dimensional Standards.

Table 11: Multi-Family Residential (MF) District Dimensional Standards

Multi-Family Residential (MF) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	5,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	420 90 feet
D	Lot Coverage (max.)	50% 90%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	20 feet
G	Side Yard (min.)	10 5 feet
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	70 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations		Sec. 9.04.046 – Screening and Fencing
Sec. 9.04.042 – Site Design Requirements		Sec. 9.04.047 – Outdoor Lighting
Sec. 9.04.043 – Parking		Sec. 9.04.048 – Trash
Sec. 9.04.044 – Loading		Sec. 0.04.049 – Performance Standards
Sec. 0.04.045 - Landscaping		

(d) Special Regulations.

1. Minimum lot areas for attached single-family and two-family dwellings shall be 2,400 square feet per dwelling unit.
2. Lot width for a lot containing attached single-family and two-family dwellings shall be no less than 20 feet per ground floor unit plus side yard requirements.
3. No lot containing multi-family dwelling units shall contain less than ~~10,000~~ 5,000 square feet.
4. No lot containing a Single-Unit or Duplex Unit Park shall contain less than ~~20,000~~ 10,000 square feet.
5. No building in a Single-Unit or Duplex Unit Park, attached single-family dwelling, two-family dwelling, or Townhome Unit shall exceed a height of ~~35~~ 65 feet.
6. Any building with multiple stories and greater than ~~35~~ 45 feet tall shall comply with the regulations specified in Sec. 9.04.041(h).
7. When a multi-family dwelling exceeds one story in height, automatic sprinkler system shall be installed in accordance with existing fire codes and each building shall have two points of entry or exit.
8. The maximum density for a multi-dwelling is 25 units per acre.
9. The maximum density for a Townhome Unit or Single-Unit or Duplex Unit Park is ~~12~~ 18 units per acre.
10. The corner side yard for “key lots” shall meet the minimum front yard setback requirements.

6. **Sec. 9.04.025 Thoroughfare Overlay (THOR) District**

(c) Dimensional Standards.

- (1) Building lots along a highway, as designated by the Master Thoroughfare Plan, shall be a minimum of **0.75** ~~one~~ acre.
- (2) The nonresidential minimum lot width is **60**~~100~~ feet.
- (3) The nonresidential minimum front yard setback is 50 feet (**for front yards facing the thoroughfare**).

7. **Sec. 9.04.028 Use Table**

Table 19: Use Table

Land Use	MF	MU	DT ND	Use-Specific Standards	Parking Standards
Multi-Family Dwelling	P	P	S	Sec. 9.04.029(c)	1/1 BRU; 2/2 & 3 BRU +0.25/Unit for visitors (50 25 % of required parking is covered, not including visitor parking)

Land Use	I-1	I-2	Use-Specific Standards	Parking Standards
Self Storage (Mini-Warehouse)	P		Sec. 9.04.035(b)	1/30 storage units 1/20,000 gross floor area (at least 5 spaces required)

Land Use	SF8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	I-1	I-2
Radio, TV, or Microwave Operations, Commercial	S	S	S	S P	S P	S P	S P	S P	S P	S P

8. **Section 9.04.041 Dimensional Regulations**

(h) Stepback Regulations

- (1) Stepback regulations apply to all new building construction and all additions with multiple stories and a height greater than ~~35~~ **45** feet located adjacent to residential zoning districts (SF-8.4, SF-7.2, SF-6.0, & MD) and existing single-family uses but do not apply when an improved public street or railroad right-of-way separates the new building construction from the existing residential zoning district or single-family residential use.

- (2) A 25-foot stepback applies for each additional story after the ~~second~~ **third** story exceeding ~~35~~ **45** feet in height (See Figure 7: Stepback Exhibit).

9. Section 9.04.042 Site Design Requirements

(c) Single-Family and Two-Family Residential Standards.

(5) House Repetition.

(A) Within residential developments, single-family and two-family dwellings with substantially identical exterior elevations can only repeat every four (4) lots when fronting the same right-of-way including both sides of the street.

(B) Homes side by side or across the street within one house (directly across the street or “caddy corner” across the street) shall not have substantially identical exterior elevations.

(6) Building Materials

(A) Exteriors. The exterior of each primary residence on a Lot shall be constructed in accordance with the Building Material Guidelines table below.

(B) “Masonry” may include brick or stone stacked and mortared in place (stone means granite, limestone, marble, or other naturally occurring stone), stucco consisting of exterior Portland cement, hand-applied in three coats to a minimum thickness of three-quarters of an inch (3/4”), concrete tilt-wall or other concrete finish techniques, or other similar products. For all exterior plan types, cementitious siding products may be used in areas where it is not structurally feasible to support brick or stone.

Building Material Guidelines	
First Floor	A minimum of 85 percent masonry is required. The front and sides of each elevation must be masonry, with only the rear to have other materials. Rear masonry is required on any house that backs to Mantua Parkway or Standridge Parkway.
Front Elevation	In addition, second floor side elevations shall have the masonry turn the corner and continue a minimum of two (2) feet on interior lots and four (4) feet on corner lots, unless the sidewall is over a roof.

Masonry Materials

- Brick
 - Brick shall meet specifications established by the Brick Institute of America.
 - Concrete brick is not allowed.
 - Jumbo bricks are not allowed.
- Mortar Joints
 - Mortar joints shall be tooled; no “slump” joints are permitted.

Non-Masonry Materials

- Siding
 - Siding material may be cementitious Hardie-Plank or fiber planking.
 - Plywood, particle board and vinyl are prohibited.
- Trim/Wood
 - All trim and wood shall be smooth and painted or stained.
 - Stained wood must be sealed.
- Metal
 - Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel.

Exclusions. Roofs, eaves, dormers, soffits, windows, gables, doors, garage doors, decorative trim, and trim work are not required to be constructed of masonry.

Prohibited Elements. Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures). Mirrored glass.

(7) Roofs & Chimneys

- (A) Accepted Roof Materials. Roofing materials shall be limited to architectural shingles of weathered wood or black colored, non-reflective metal, clay, tile or architectural composition shingles with a minimum rating of 30 years. All shingles must meet or exceed applicable local, FEMA, FHA and VA regulations. No three-tab shingles are permitted.
- (B) Chimneys. Chimney style must be appropriate for the style of the home and may be brick or other masonry matching with the same permitted colors and materials as permitted on the body of the house; provided however, that any chimney located on the interior portion of the roof may also include cementitious materials solely or in addition to the brick or other masonry. If a chimney or fireplace chase is located on the side of a residence, then it is required to be constructed of masonry.

(8) Gutters/Downspouts/Drains

- (A) All residences shall be constructed with gutters and downspouts. Gutters and downspouts shall match the color of the existing trim of the residence. Downspout drains shall be placed to convey stormwater in accordance with the grading and drainage plans for the lot and the development.

(9) Floor Plate

- (A) The minimum Plate height for the first floor shall be nine (9) feet; 8-ft floor plate along a side elevation that are disguised across the front elevation and that “pop-up” to 9-feet within the residence is allowed. In addition, the minimum combined plate height for two story elevations shall not be less than eighteen (18) feet.

(10) Landscape

- (A) A minimum of two (2) trees is required per lot. All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded grasses that are commonly used in North Texas for landscaping purposes. Landscape borders shall be constructed with steel edging, bender board or mortared masonry that is comparable to the masonry of the home.

(11) Screening and Placement

- (A) Mechanical equipment, trash receptacles, equipment, wood piles and other miscellaneous outdoor storage must be visually screened from public view and neighboring Lots by a solid screening wall/fence or landscaping sufficient for screening.

(d) Multi-Family Residential Standards

(1) Building Materials

- (A) The exterior of each multi-family building shall be a minimum of:

- a. 80 percent masonry on the front façade of the first floor
- b. 70 percent on the side façade of the first floor
- c. 30 percent on the rear façade of the first floor
- d. 25 percent on all facades for all other floors

- (B) “Masonry” may include brick or stone stacked and mortared in place (stone means granite, limestone, marble, or other naturally occurring stone), stucco consisting of exterior Portland cement, hand-applied in three coats to a minimum thickness of three-quarters of an inch (3/4”), or other concrete finish techniques, or other similar products. For all exterior plan types, cementitious siding products may be used in areas where it is not structurally feasible to support brick or stone.

(C) Brick

- a. Brick shall meet specifications established by the Brick Institute of America.
- b. Concrete brick is not allowed.

(D) Mortar Joints

- a. Mortar joints shall be tooled; no “slump” joints are permitted.

(E) Non-Masonry Materials

- a. Siding – Siding material may be cementitious Hardie-Plank or fiber planking. Plywood, particle board and vinyl are prohibited.
- b. Trim/Wood – All trim and wood shall be smooth and painted or

stained. Stained wood must be sealed.

- c. Metal - Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel.

(2) Building Articulation

- (C) Horizontal wall plans longer than ~~40~~ 85 feet in length shall be segmented into smaller sections by a structural or ornamental minor façade offset (recess or projection) of a minimum 2 feet deep and ~~8~~10 feet wide.
- (B) The height of those offsets is equal to the building's height at the location of the offset.

(3) Roof Treatment

- (A) Pitched or flat roofs are permitted.
- (B) A parapet wall is allowed if constructed to prevent flat roof visibility.

(4) Fenestration

- (A) Any glass with a visible light reflectance rating of 25% or greater is prohibited.

(5) Elements. A multi-family development is required to provide at least ~~two~~ two of the following elements:

- (A) At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevations;
- (B) All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
- (C) All windows are emphasized through the use of molding / trim around the windows, plat ledge, sills, shaped frames, awnings, or another similarly related architectural elements;
- (D) Downspouts associated with gutters are internally incorporate into the building's construction rather than attached to the building after the construction of the façade is complete.

~~(E) Other similar architectural features as approved by the Director.~~

- (E) The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy, or similar feature that serves the same purposes. The covering shall be at least three feet in depth when measured from the face of the adjoining façade. Not required for accessory buildings.

(F) Screening fence: Border fencing material shall be either masonry construction or wrought iron, tubular steel, or tubular aluminum with masonry columns. Additionally, an irrigated landscape screen, minimum height of 6 feet, shall be installed within a 10-foot landscape buffer along the property line on any perimeter not abutting a public street or right-of-way. The landscape screen must grow to a height of at least 10 feet within 2 years of installation.

(G) Other similar architectural features as approved by the Director.

(6) Amenities.

(A) A multi-family development shall provide the required amount of amenities prescribed in Table 23: Required Amenities.

Table 23: Required Amenities

Number of Units	Required Amenities
1 – 10	None
11 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4
301 +	5

(B) The amenities below may be used to fulfill the requirements of Table 23: Required Amenities. Each amenity counts as one required amenity towards the requirements in Table 23: Required Amenities. However, multiples of the same amenity do not count towards the requirements in Table 23: Required Amenities. Additionally, to provide flexibility in development design, the Director may approve different amenities that agree with the purpose of this Sec. 9.04.042.

- i. Swimming pool (minimum 1,000 square foot surface areas) with cooling deck (minimum ten feet wide in all areas);
- ii. Jacuzzi or hot tub area (minimum 50 square foot area);
- iii. At least four barbeque grills or one grill per 100 units, whichever is greater, with shaded seating areas, all barbeque grills shall be:
 - a. Serviced with propane or other gas, and
 - b. Be built into a structure incorporated into an adjacent amenity (i.e., pool or seating areas);
- iv. Ramada(s), arbor(s), and/or trellis(es) covering at least ~~1,000~~ 400 square feet of recreation space;

- v. Child play lot (minimum ~~3,000~~ 1,000 square foot areas) ~~with equipment specifically designed to meet the following three age cohorts: 0-2 years old, 2-5 years old, and 5-12 years old;~~
- vi. A splash pad (water play amenity for children) that is a minimum of 1,000 square feet in areas that:
 - 1. Is enclosed by a gated and access limited minimum five-foot tall vinyl-coated chain link fence or other decorative fencing material approved by the Director of Development Services.
- vii. A dog park that is at least ~~5,000~~ 2,500 square feet in areas that:
 - a. Is enclosed by a minimum five-foot tall vinyl-coated chain link fence;
 - b. Uses grass, wood chips, or a combination of the two as surface materials, and
 - c. Provides at least two dog waste stations that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,400 square feet of the associated dog park.
- viii. Regulation-size volleyball, basketball, tennis, or similarly related playing court.
- ix. Golf putting green (minimum 1,000 square feet);
- x. Fitness center/weight room (minimum 500 square feet);
- xi. Business center (minimum 500 square feet);
- xii. Media room (minimum 500 square feet).

(f) Nonresidential Standards
 (7) Building Articulation

(D) Single- and multi-tenant buildings < 50,000 square feet

- i. All buildings shall utilize façade offsets and appropriate fenestration, to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
- ii. Elevations that are 50 feet or longer in horizontal length require at least two offsets (projection or recess) from the primary façade plane of at least 18 inches deep and 4 feet wide.

- iii. The height of those offsets is equal to the building's height at the location of the offset .

(E) Single- and multi-tenant buildings 50,000 square feet and larger

- i. All buildings shall utilize either façade offsets and appropriate fenestration, color variations, alternative building materials, or other architectural treatments, to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
- ii. Elevations that are 50 feet or longer in horizontal length require at least one of the following: at least two offsets (projection or recess) from the primary façade plane of at least 18 inches deep and 4 feet wide, color variations, alternative building materials, or other architectural treatments.
- iii. The height of those offsets, color variations, alternative building materials, or other architectural treatments is equal to the building's height at the location of the offset-application.

(8) Roof Treatment

- (C) Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, change in height, changes in roof form, type or planes that typically correspond to offsets in the building's façade, or other appropriate architectural elements.
- (D) Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.

(9) Fenestration

- (A) Single- and multi-tenant buildings < 50,000 square feet : The use of recessed windows, awnings, sills, drip caps, projecting trim casing or surrounds, projecting muntins or mullions, and other elements is required.
- (B) Single- and multi-tenant buildings 50,000 square feet and larger do not require fenestration.
- (C) Any glass with a visible light reflectance rating of 25% or greater is prohibited.

(10) Elements. All buildings or developments shall be required to provide at least two of the following elements:

- (B) The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy, or similar feature that serves the same purposes. The covering shall be at least three feet in depth when measured from the face of the adjoining façade.
- (C) All building elevations shall feature at least two facade offsets (recess or projection) five feet in depth for every 50 feet of horizontal length.

- (D) All building elevations shall feature at least ~~three~~ **two** distinct roof lines **or a roof parapet with cornice design or similar element.**
- (E) All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.
- (F) Single- and multi-tenant buildings greater than 50,000 square feet shall provide **least one of the following:** at least two offsets (projection or recess) from the primary façade plane of at least 18 inches deep and 4 feet wide, **color variations, alternative building materials, or other architectural treatments.**

10. Section 9.04.044 Loading

(d) Standards.

(11) Location. A loading space:

- (B) Must be located within the same development as the building or use served;
- (C) Is prohibited from projecting into a sidewalk, street, or public right-of-way, including any maneuvering area;
- (D) Is prohibited from being located between the front building line and the lot line;
- (E) Must be placed to the rear or side of buildings in visually unobtrusive locations;
- (F) Must be set back a minimum distance of 100 feet **(35 feet for Self-Storage (Mini-Warehouse))** from any adjacent residential zoning district or use;
- (G) Must be set back a minimum distance of 50 feet from any public street or front property line; and
- (H) Must be oriented away from the street frontage.

11. Section 9.04.045 Landscaping

(f) Minimum Landscaping Requirements.

(2) Parking Lots.

- (A) Landscape areas within parking lots shall be at least ~~180~~ **162** square feet in size with approximate dimensions of ~~10~~ **9** feet wide by 18 feet deep.

(h) Tree Preservation.

- (1) ~~All tree preservation shall comply with the regulations of this subsection (h) in addition to the requirements established in [Article 9.07](#).~~ Trees located with the tree preservation areas identified on Exhibit D-2 "Tree Preservation Exhibit" shall be preserved with the exception of trees that must be removed to allow for the construction of public infrastructure improvements.
- (2) The Developer shall plant one large tree (minimum of three-inch caliper and seven feet height at the time of planting) per 50 linear feet of screening wall and one ornamental tree per 30 feet of screening wall. Trees may be grouped or clustered to facilitate site design.
- (3) The Developer shall plant a minimum of two front yard trees on each residential lot at the time of home completion. Front yard trees shall measure a minimum three-inch caliper and seven feet height at the time of planting and shall conform with the City's approved plant list.
- (4) ~~Any trees preserved on a site meeting these specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are locate, according to Table 28: Tree Preservation Credits, depending on the applicant's preference to accept or decline the credit. For purposes of this section, caliper measurement shall be taken at DBH above the ground and rounded to the nearest whole number.~~
- (5) ~~Existing trees may receive credit if they are not on the City's approved plant material list but are approved by the Director; however, trees must be located within the landscape areas to which credit is applied.~~
- (6) ~~Any tree perseveration proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The final landscape plan shall show the species, size, and exact location.~~
- (7) ~~During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups or trees. The applicant shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction requirement within parking lots.~~
- (8) ~~During the construction stage of development, the applicant shall not allow the cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the applicant allow the disposal of ay waste materials, such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.~~

ARTICLE 9.05 SIGN ORDINANCE

1. Section 9.05.018 Detached Signs

(d) Subdivision Entry Signs



(1) Definition.

Subdivision Entry Sign. A sign which may be a freestanding monument or attached to a subdivision wall located at the entry of a platted subdivision from a local, collector, or arterial street.

(2) Standards.

Generally, Table 3-7 establishes the standards for subdivision entry signs.

Table 3-7: Subdivision Entry Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
<i>General</i>							
Allowed?	Y	Y	Y	N	Y	N	Y
Permit Required?	Y	Y	Y	--	Y	--	Y
Number per entrance (max.)	1	2	2	--	2	--	2
<i>Dimensions</i>							
Sign Area (max.)	150 sf	200 sf	150 sf	--	150 sf 200 sf	--	150 sf
Sign Height (max.)	6 ft	6 ft 15 ft	6 ft	--	6 ft 15 ft	--	8 ft
<i>Setbacks</i>							

From ROW	5 ft	5 ft	5 ft	--	5 ft	--	5 ft
<i>Features</i>							
Electronic Message Center	N	N	N	--	N	--	N
Changeable Copy	N	N	N	--	N	--	N
Channel Letters	Y	Y	Y	--	Y	--	Y
Internal Illumination	N	N	N	--	N	--	N
External Illumination	Y	Y	Y	--	Y	--	Y
Halo Illumination	Y	Y	Y	--	Y	--	Y
<i>Additional Information</i>							
Key	Y = yes, a permit is required or the feature is allowed N = no/ not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-“ = the standard does not apply						
Sign District Summary	AE = AG district and ETJ SF = SF-20.0- SF-6.0 districts MR = MD and MF districts CM = C-1 and C-2 districts MU = MU district DT = DT district IN = I-1 and I-2 districts						

(B) Number and Location

- (i) Two (2) subdivision entry signs may be located at the intersection of a collector or arterial street and an entry street or private driveway into a subdivision. ~~The signs shall be configured as follows:~~
 - ~~a. Two (2) signs with one (1) sign face each located on opposite sides of the entry street private driveway;~~
 - ~~b. One (1) sign with two (2) faces located within a landscaped areas dividing two (2) one way entry streets or private driveways;~~
 - ~~c. One (1) sign located on one (1) side of the entry street or private driveway;~~
~~or~~
 - ~~d. One (1) sign located on an archway above the entry street or private driveway~~
- (ii) Subdivision entrances from a right-of-way greater than 60 feet shall require signage. Secondary entrance connecting to other neighborhoods may be

allowed but are not required.

(C) Design and Installation.

- (i) Subdivision entry signs shall be constructed with stone, brick, concrete, metal, routed wood planks or beams, or similar durable, weatherproof materials.
- (ii) All subdivision entry signs shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign areas. In case where the location of the sign could not accommodate such landscape areas, the area may be reduced up to 50% at the Directors' discretion.
- (iii) When electrical service is provided to a subdivision entry sign, all electrical service shall be underground.

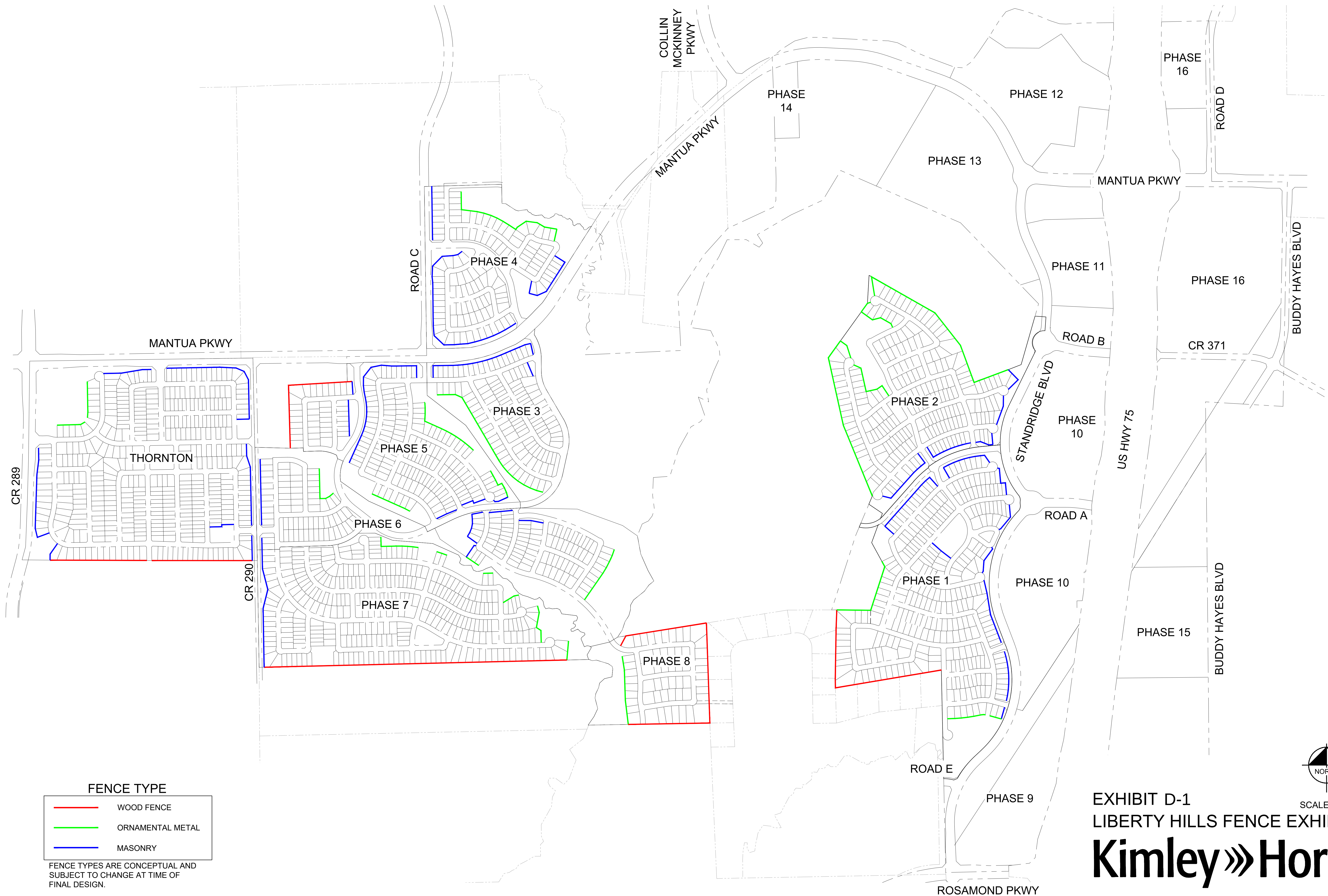
ARTICLE 9.07 TREE PRESERVATION

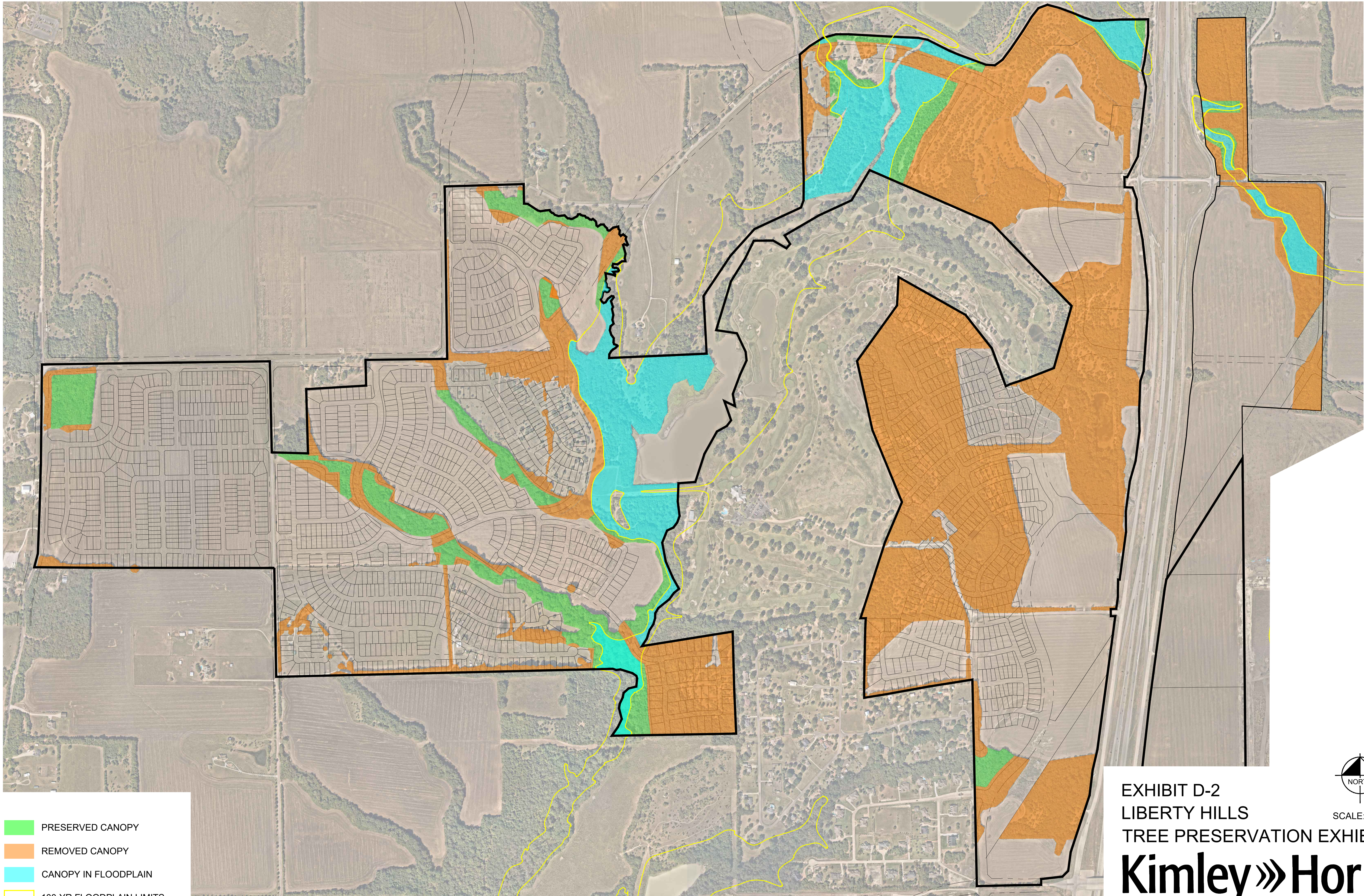
The tree preservation ordinance is removed in its entirety and replaced with the following:

Trees located with the tree preservation areas identified on Exhibit D-2 "Tree Preservation Exhibit" shall be preserved with the exception of trees that must be removed to allow for the construction of public infrastructure improvements.

The Developer shall plant one large tree (minimum of three-inch caliper and seven feet height at the time of planting) per 50 linear feet of screening wall and one ornamental tree per 30 feet of screening wall. Trees may be grouped or clustered to facilitate site design.

The Developer shall plant a minimum of two front yard trees on each residential lot at the time of home completion. Front yard trees shall measure a minimum of three-inch caliper and seven feet height at the time of planting and shall conform with the City's approved plant list.

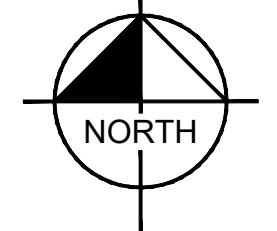




- PRESERVED CANOPY
- REMOVED CANOPY
- CANOPY IN FLOODPLAIN
- 100-YR FLOODPLAIN LIMITS

EXHIBIT D-2
LIBERTY HILLS
TREE PRESERVATION EXHIBIT

Kimley»Horn



SCALE: NTS

RANCHING & AGRICULTURE (RA)

Character & Intent

Agricultural areas are characterized by very large tracts of undeveloped land utilized for agricultural production, wildlife management or ranching, including the raising of livestock. There are opportunities for additional uses that support the character and economic viability of agriculture.

Land Use Considerations

Primary Land Use

Farming, ranching and wildlife management

Secondary Land Use

Single-family detached homes and supporting structures, agriculture related tourism, local food production and distributed energy generation. Cluster Residential may be permitted within a larger Ranching and Agriculture property if an amount of open space equal to the platted lots is preserved and water and wastewater requirements can be met.

Indicators & Assumptions

- + Lot size (range) typically greater than 10 acres
- + Platting and Utility Exceptions probable



ESTATE RESIDENTIAL (ER)

Character & Intent

Estate Residential areas are dominated by single-family housing on the urban fringe in large lot development. Unlike rural living, home sites may be in platted subdivisions that have water service, though they may have septic wastewater treatment. Residential uses are oriented interior to the site. Lots may or may not have farm and livestock restrictions. Lot sizes in the Estate Residential Place Type range from ½ acre to 2 acre lots.

Land Use Considerations

Primary Land Use

Single-family detached homes

Secondary Land Use

Agricultural land, civic and institutional uses, parks and open space

Indicators & Assumptions

- + Lot size (range) ½-2 acre lots
- + Platting and utility exceptions unlikely to be granted
- + In areas immediately adjacent to parcels developed with higher density residential products, similar product types may be considered for these areas if water and wastewater requirements can be met by the developer.



SUBURBAN LIVING (SL)

Character & Intent

Suburban Living neighborhoods consist predominantly of single-family housing on detached lots. Home sites are located in platted subdivisions with all utilities, residential streets and sidewalks.

Land Use Considerations

Primary Land Use

Single-family detached homes

Secondary Land Use

Civic and institutional uses, parks and open space, neighborhood-serving retail and office

Indicators & Assumptions

- + Lot size (range) 7,500 SF - ½ acre lots
- + Platting and utilities required



CLUSTER RESIDENTIAL (CR)

Character & Intent

Cluster residential neighborhoods are intended to provide smaller single family detached and attached residential lots. Home sites are located in platted subdivisions with all utilities, residential streets and sidewalks.

Land Use Considerations

Primary Land Use

Single-family detached homes, townhomes and other single-family attached homes

Secondary Land Use

Civic and institutional uses, parks and open space

Indicators & Assumptions

- + Lot size (range) 5,000 – 7,500 SF



URBAN LIVING (UL)

Character & Intent

Urban Living areas support a variety of different housing types in a compact network of complete, walkable streets that are easy to navigate by car, bike or on foot. Housing types can include single-family detached homes on small lots, townhomes, duplexes, condominiums or apartments, with a small amount of local retail and neighborhood services to serve the neighborhood.

Land Use Considerations

Primary Land Use

Small Lot, single-family detached homes, townhomes, duplexes, condominiums and apartments

Secondary Land Use

Civic and institutional uses, parks and open space, retail and commercial

Indicators & Assumptions

Densities of 6-40 units per acre



COMMUNITY COMMERCIAL (CC)

Character & Intent

Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, Community Commercial developments primarily provide services for residents of surrounding neighborhoods. Business types may include restaurants, local retail, medical offices, banks and other retail and services.

Land Use Considerations

Primary Land Use

Retail and Commercial

Secondary Land Use

- + Civic and institutional uses
- + Indicators & Assumptions
- + Lot Size (Range) N/A
- + Typically 5 acres or less; 1 or 2 stories



REGIONAL ACTIVITY CENTER (RAC)

Character & Intent

A Regional Activity Center is characterized by big box stores or multitenant commercial uses. They are typically located at high-volume intersections and sometimes along both sides of a highway or arterial. Regional Activity Centers are accessible primarily by one mode of travel – the automobile. Buildings are typically set back from the road behind large surface parking lots, with little or no connectivity between adjacent businesses. A small amount of multi-family residential development may occur in these areas.

Land Use Considerations

Primary Land Use

Retail, commercial, apartments and condominiums, offices, business park, hotels, entertainment centers, retail, service and office uses

Secondary Land Use

Civic and institutional uses, parks and open space

Indicators & Assumptions

- + Lot Size (range) N/A
- + Typically 5 - 10 acres; 1 or 2 stories



MIXED USE (MU)

Character & Intent

A Mixed Use center offers people the ability to live, shop, work and play in one community. They include a mixture of housing types and multiple residential housing choices within close proximity to the goods and services residents need on a daily basis. This PlaceType typically includes a higher intensity of uses developed in an urbane style that are supported by nodes of activity. The design and scale of development in a Mixed Use center encourages active living, with a complete and comprehensive network of walkable streets.

Land Use Considerations

Primary Land Use

Retail, commercial, townhomes, apartments, offices, hotels and personal service uses

Secondary Land Use

Civic and institutional uses, parks and open space

Indicators & Assumptions

Lot Size (range) N/A



Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: _____ Total Number of Acres: 104.325
Zoning Classification(s): _____ Total Number of Lots: _____
Location: _____

Property Owner Information & Authorization

Name/Company: The Thornton Family Trust
Address: 8 Duncannon CT
City: Dallas State: Texas Zip Code: 75225
Phone: 214-498-8661 Email: ryan.thornton@cbre.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Liberty 800 LP / Old Prosper Partners (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

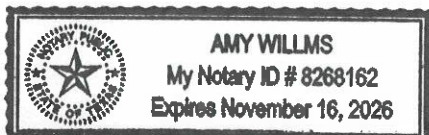
Property Owner's Signature: Laurie Thornton Date: 6-9-24

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Laurie Thornton (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 9th day of June, 2024



Amy Willms
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Master Developer
Name: Teague Griffin
Company: Liberty 800 LP / Old Prosper Partner
Address: 370 W. Broadway St.
City: Prosper State: Texas Zip Code: 75078
Phone: 214-912-6156 Email: teague@bgrea.com

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: _____ Total Number of Acres: 787.178
Zoning Classification(s): _____ Total Number of Lots: _____
Location: _____

Property Owner Information & Authorization

Name/Company: Liberty 800 LP
Address: 370 W. Broadway St.
City: Prosper State: Texas Zip Code: 75078
Phone: 214-912-6156 Email: teague@bgrea.com

Project Representation (check one):

- ☒ I will represent the application myself; OR
☐ I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

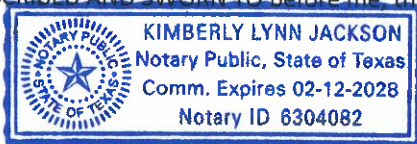
Property Owner's Signature: [Signature] Date: 6/11/2024

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Teague Griffin
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 11th day of June, 2024



[Signature]
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Email: _____

Planning & Development Department

120 W 7th Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: _____ Total Number of Acres: 74.51
Zoning Classification(s): _____ Total Number of Lots: _____
Location: _____

Property Owner Information & Authorization

Name/Company: Liberty 75, LP
Address: 370 W. Broadway St.
City: Prosper State: Texas Zip Code: 75078
Phone: 214-912-6156 Email: teague@bgrea.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Liberty 800 LP / Old Prosper Partners (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

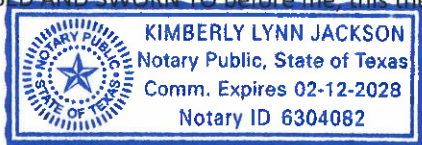
Property Owner's Signature: _____ Date: 6/11/2024

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Teague Griffin (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 11th day of June, 2024



Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Master Developer
Name: Teague Griffin
Company: Liberty 800 LP / Old Prosper Partner
Address: 370 W. Broadway St.
City: Prosper State: Texas Zip Code: 75078
Phone: 214-912-6156 Email: teague@bgrea.com

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: _____ Total Number of Acres: 16.348
Zoning Classification(s): _____ Total Number of Lots: _____
Location: _____

Property Owner Information & Authorization

Name/Company: Jay P and Irene C Janis
Address: 11014 County Road 290
City: Anna State: Texas Zip Code: 75409
Phone: 214-733-4125 Email: jaypjanis@outlook.com

Project Representation (check one):

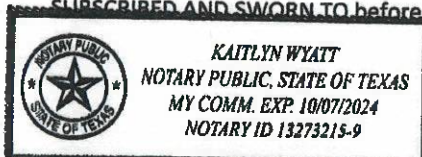
- ☐ I will represent the application myself; OR
☒ I hereby designate Liberty 800 LP / Old Prosper Partners (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: Jay P Janis + Irene C Janis Date: June 11, 2024
STATE OF: Texas
COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Jay Janis + Irene Janis (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 11 day of June, 2024



Kaitlyn Wyatt
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Master Developer
Name: Teague Griffin
Company: Liberty 800 LP / Old Prosper Partner
Address: 370 W. Broadway St.
City: Prosper State: Texas Zip Code: 75078
Phone: 214-912-6156 Email: teague@bgrea.com

Planning & Development Department

120 W 7th Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision/Parcel ID: _____ Total Number of Acres: 52.75
Zoning Classification(s): _____ Total Number of Lots: _____
Location: _____

Property Owner Information & Authorization

Name/Company: Janis Real Estate LLC
Address: 11014 County Road 290
City: Anna State: Texas Zip Code: 75409
Phone: 214-733-4125 Email: jaypjanis@outlook.com

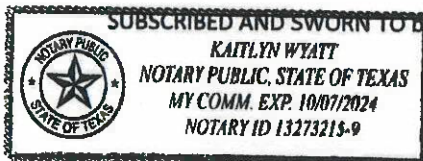
Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Liberty 800 LP / Old Prosper Partners (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: Jay P. Janis Date: 6/11/24
STATE OF: Texas
COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Jay Janis
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."



SUBSCRIBED AND SWORN TO before me, this the 11 day of June, 2024

Kaitlyn Wyatt
Notary Public in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Master Developer
Name: Teague Griffin
Company: Liberty 800 LP / Old Prosper Partner
Address: 370 W. Broadway St.
City: Prosper State: Texas Zip Code: 75078
Phone: 214-912-6156 Email: teague@bgrea.com

Planning & Development Department

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