

AGENDA



BOARD OF ADJUSTMENT

Wednesday, October 30, 2024 @ 6:00 PM

The Board of Adjustment of the City of Anna will meet on 10/30/2024 at 6:00 PM in the Anna Municipal Complex-Council Chambers, located at 120 W. 7th Street, to consider the following items.

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 Board of Adjustment regarding an item on this meeting Agenda that is not scheduled for public hearing. Also, at this time, any person may address the Board of Adjustment 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 information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.
4. **Director's Report.**
5. Consider/Discuss/Action to approve minutes from the September 18, 2024 Board of Adjustment meeting.
6. Consider/Discuss/Action on a request to appeal the Director's Interpretation of the Zoning Ordinance, regarding Urban Crossing, Block A, Lot 19R (City Project #DIRINT24-0001).
7. **Adjourn.**

This is to certify that I, Lauren Mecke, Planning Manager, posted this Agenda on the City's website (www.annatexas.gov) and at the Anna Municipal Complex bulletin board at or before 6:00 p.m. on 10/25/2024.

Lauren Mecke, Planning Manager



MINUTES

BOARD OF ADJUSTMENT

September 18, 2024

The Board of Adjustment of the City of Anna met June 18, 2024, at 5:30 p.m. at the Anna Municipal Complex Council Chambers, located at 120 W Seventh Street, to consider the following items.

1. Call to Order, Roll Call and Establishment of Quorum.

The meeting was called to order at 5:53 p.m. by Edward Culham. There was not a quorum present, therefore the meeting ended.

Members present:

Place 2 – Elijah Nelms, Place 4 – Edward Culham, Place 2A – Michael Olivarez

Members absent:

Place 1 – Jon Hendricks, Place 3 – Ashley Bergerson, Place 5 – Travis Bates, Place 1A – Chad Fisher

Staff present:

*Stephanie Scott-Sims, AICP, Director of Development Services
Nader Jeri, Assistant Director of Development Services/ Building Official
Lauren Mecke, Planning Manager
Everett Johnson, Planner I*



Memorandum

Date: October 30, 2024

To: Anna Board of Adjustment

From: Stephanie Scott-Sims, AICP, Director of Development Services

Re: Urban Crossing, Block A, Lot 19R
City Project Number: DIRINT24-0001
Appeal of Director's Interpretation

BACKGROUND

Applicant, Ralph Wyngarden, acting on behalf of Hemphill, LLC, is proposing to install a 125-foot monopole commercial antenna, related support structure and a screening wall on a portion of the lot legally known as Urban Crossing, Block A, Lot 19R and commonly known as 3019 Crossing Drive, Anna Texas. **See Exhibit A- Locator Map.**

In summer 2024, the Applicant met with City Staff to discuss the proposed monopole antenna. Staff told the Applicant that based on their interpretation of the Zoning Ordinance, the proposed monopole antenna was not permitted on the property.

Section 9.04.074(g)(2) of City of Anna Code of Ordinances (the "Anna Code") provides that all questions of interpretation and enforcement of the Zoning Ordinance shall be first presented to an administrative official. On August 15, 2024, the City received a formal request from the Applicant for a Director's Interpretation of the City of Anna Code of Ordinances. (City Project Number DIRINT24-0001). **See Exhibit B - Applicant's Interpretation Request dated August 15, 2024.**

Per the Applicant's request, the Director of Development Services provided a written interpretation of the Zoning Ordinance on September 3, 2024, concluding that the proposed monopole antenna was not permitted on the property. **See Exhibit C - Director's Interpretation dated September 3, 2024.**

Consistent with Texas Local Government Code Section 211.009, Section 9.04.074(c)(1) of the Anna Code provides that the Board of Adjustment has the authority to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of an ordinance adopted as a zoning regulation under the law.

On September 19, 2024, the City received a request from the Applicant to appeal the Director's Interpretation to the Board of Adjustment. The Applicant alleges that the Director's interpretation was made in error. **See Exhibit D- Applicant's Notice of Appeal dated September 19, 2024.**

HISTORY

- March 27, 2007 -** Anna City Council approved the annexation of the 45.001 acres Urban Crossing Tract (Ordinance No. 317-2007) and a rezoning of the property from Agricultural District (AG) to Single-Family Residential – Large Lot (SF-E). (Ordinance No. 318-2007). The lot in question was included in that rezoning and is part of the existing residential subdivision.
- June 11, 2013 -** Anna City Council approved a replat of the Urban Crossing subdivision. The plat was recorded with the Collin County Clerk on December 27, 2013. **See Exhibit E - Urban Crossing Plat.**
- August 22, 2023 -** Anna City Council adopted a comprehensive update of the Anna Code, including Chapter 9, Planning and Development Regulations. (Ordinance No. 1068-2023-08). Section 9.04.006 includes Table 1: Zoning Equivalency Table. Table 1 provides that the Single-Family Residential – Estate (SF-E) zoning district and Agricultural (AG) zoning district were combined into a single zoning district (Agricultural (AG)). **See Exhibit F - Sec. 9.04.006. Table 1.**

PERTINENT ORDINANCE SECTIONS

Anna Code Section 9.04.037(b)(4)(E) states:

“Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached dwelling purposes...”

Per the Use Table in Section 9.04.028, Commercial Radio, TV, or Microwave Operations are permitted in the Agricultural (AG) zoning district through a Specific Use Permit.

QUESTION OF INTERPRETATION

The questions at issue are:

- 1) Whether Lot 19R was rezoned from Single-Family Residential – Large Lot (SF-E) to Agricultural (AG) zoning district upon the adoption of the 2023 Anna Zoning Ordinance.
- 2) Whether Lot 19R is “used or platted for single-family, two-family, or single-family attached dwelling purposes”.
- 3) Whether commercial Radio, TV, or Microwave Operations are permitted on Lot 19R through the consideration of a Specific Use Permit. (*Note: The BOA would need to make a finding that Lot 19 was rezoned to Agricultural (AG) upon the adoption of the 2023 Anna Zoning Ordinance.*)

OVERVIEW OF DIRECTOR’S INTERPRETATION AND APPLICANT’S POSITION

Question #1: Whether Lot 19R was rezoned from single-family use under Single-Family Residential – Large Lot (SF-E) to agricultural use under the Agricultural (AG) zoning district upon the adoption of the 2023 Anna Zoning Ordinance.

Director’s Interpretation:

On March 27, 2007, the Anna City Council approved a rezoning of the Urban Crossing subdivision from Agricultural District (AG) to Single-Family Residential – Large Lot (SF-E). The lot in question was included in that rezoning.

On August 22, 2023, the Anna City Council adopted a comprehensive update of the Anna Code, Chapter 9, Planning and Development Regulations (Ordinance No. 1068-2023-08). The Zoning Ordinance (Article 9.04) was part of that comprehensive update. The City approved Table 1: Zoning Equivalency table found in Section 9.04.006. The table provides that the Single-Family Residential - Estate (SF-E) zoning district and Agricultural (AG) zoning districts were combined into a single zoning district (Agricultural (AG)).

The intent of this combination was simplification of reference for future zoning classifications since both the SF-E and AG share rural characteristics and a one-acre minimum lot size and so that “AG zoning” would be the district applied to newly annexed areas going forward. The intent was not to rezone every existing SF-E district—including platted and fully developed residential subdivisions with existing single-family dwellings—to AG zoning.

Generally, zoning amendments fall into two types. The first type consists of changes or amendments to the text of the Zoning Ordinance (also referred to as a “zoning text amendment”). The second type is a zoning district boundary change (also referred to as a “rezoning” and/or “zoning map amendment”).

Zoning Ordinance Section 9.04.050 sets forth the procedural components for specific land use decisions in compliance with Texas Local Government Code Section 211.006 and 211.007. Per the laws, a zoning district boundary change requires:

- (1) Public Hearings held by the Planning & Zoning Commission and City Council on the matter,
- (2) Publication in the City’s official newspaper of the time and place for each public hearing on the matter,
- (3) Before the 10th day before the public hearing date, the City must mail written notice of each public hearing where the matter will be heard to the property owners of real property within 200 feet of the property on which the zoning boundary change is proposed, as indicated by the most recently municipal tax roll.
- (4) 20% protest requirements, and,
- (5) The installation of zoning notification signs on the property in question.

This process did not occur with the City Council’s adoption of the updated Zoning Ordinance on August 23, 2024. The adoption of a new Zoning Ordinance by City Council on August 22, 2023, consisted of a zoning text amendment and did not result in a legal zoning district boundary change of Lot 19 or the Urban Crossing subdivision from SF-E to AG.

In summary, Lot 19R continues to be zoned Single Family – Residential Large Lot SF-E, which is a residential zoning district.

Applicant’s Position:

The Director Interpretation improperly relies on an SF-E Zoning District designation that no longer exists to classify the zoning of Lot 19 as residential and apply the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances.

The SF-E designation is no longer valid. Ordinance 1068-2023-08, adopted 8/22/2023, completely repealed and replaced the old zoning ordinance. In that meeting the city’s consultant reviewed the new ordinance under consideration and highlighted that the city’s 27 zoning districts had been consolidated down to 18. The SF-E zoning district was eliminated by combining it into the AG Agricultural District. Per City of Anna Code of Ordinances Section 9.04.006(a) “...*The zoning districts are established according to Table 1: Zoning Equivalency.*” This table is found in Section 9.04.006(b) and clearly shows that the previous SF-E district is now AG.

The argument that the consolidation to AG applies only to newly annexed areas going forward, and that previous SF-E zoned property remains zoned as SF-E, is problematic. How would that work? Where would owners and developers of SF-E zoned property go to find the uses permitted, or setbacks, or other applicable requirements when the old ordinance has been completely repealed and replaced? There are no regulations for SF-E in the new ordinance. There is no SF-E District in the Use Table (Table 19) found in Section 9.04.028 of the City of Anna Code of Ordinances. Furthermore, if SF-E zoned parcels remain zoned SF-E, there is no need for the Zoning Equivalency Table (Table 1) in Section 9.04.006(b). An equivalency table only makes sense where parcels already have a zoning classification, and that classification is changed. Clearly, all SF-E zoned parcels are now zoned AG. The applicable regulations for Lot 19 are now those of the AG Agricultural District.

The AG Agricultural District is not a residential district. Table 1: Zoning Equivalency in Section 9.04.006(b) groups zoning districts by category in the left-hand column. The AG Agricultural District is in its own category labelled “Agricultural.” The category “Residential” only includes the “SF,” “MD,” and “MF” districts. It does not include AG.

These categories are also reflected in the column colors in the Use Table (Table 19) in Section 9.04.028 where the SF districts are yare grouped in yellow, the MD and MF districts are grouped in orange, and the AG Agricultural District has its own separate color (green).

Because the zoning classification of Lot 19 is no longer residential, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply and a Specific Use application for a commercial antenna support structure on this parcel can be considered.

Question #2: Whether Lot 19R is “used or platted for single-family, two-family, or single-family attached dwelling purposes”.

Director’s Interpretation:

The Urban Crossing Replat was approved by the City Council on June 11, 2013, and recorded with the Collin County Clerk on December 27, 2013. Per the plat, Block A, Lot 19R is dedicated as a Common Area lot to be maintained by the Homeowner’s Association.

As set forth in Ordinance No. 318-2007 adopted by City Council on March 27, 2007, and reflected on the official City of Anna Zoning Map, the Urban Crossing subdivision is zoned Single-Family-Residential Large Lot (SF-E) and is developed as a single-family residential neighborhood.

Lot 19R is a Common Area lot, platted and zoned as a property within the Urban Crossing single-family residential subdivision. Lot 19R was zoned and intended for the use and enjoyment of the surrounding residential neighborhood. The property's SF-E zoning ensures that Lot 19R can be used for single-family residential uses as permitted by the Zoning Ordinance and further allowed under the Urban Crossing Homeowner's Association governing documents.

In summary, Lot 19R is within the SF-E zoning district and is a platted lot for single-family dwelling purposes.

Applicant's Position:

The Director Interpretation improperly ignores the word "dwelling" in applying the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances to Lot 19.

Even if Lot 19 is determined to be in a residential district, the prohibition is not applicable because the lot is not used or platted for a dwelling. The objective of Section 9.04.037(b)(4)(E) is not to prohibit a commercial antenna support structure in a residential district (indeed, Table 19: Use Table in Section 9.04.028 allows this use in any district with approval of a Specific Use Permit). Rather, the objective is solely to rule out parcels with a dwelling or platted for a future dwelling.

a. Not Used for a Dwelling

The only current uses of Lot 19 are utility and communications uses. There is a Texas Power & Light Company (TXU Energy) utility easement with a transmission tower and lines on the parcel.

There is also a high-speed internet provider serving the Urban Crossing neighborhood from an existing 60' lattice tower on the parcel. Please see the Google Street View provided in the record as Interpretation Request, Exhibit A.

Section 5.17 of the Urban Crossing "Declaration of Covenants, Conditions and Restrictions" dated September 5, 2022, specifically allows for HOA approval of a tower on the HOA lot (Interpretation Request, Exhibit D). The HOA voted 25-2 to approve this project on the parcel at an HOA meeting on February 20, 2024 (Interpretation Request, Exhibit E). This is consistent with current uses of the parcel for utility and communications uses. This parcel is not used for dwelling purposes – it is used for utility and communications purposes and approved for this proposed commercial antenna support structure by the HOA.

b. Not Platted for a Dwelling

This parcel, Lot 19, Block A, is designated as a "Common Area" on the Urban Crossing Plat (Interpretation Request, Exhibit C). Note 5 on the Plat states:

"5. Lot 19, Block A is dedicated to and maintained by the homeowners association."

Consistent with this, the interactive City of Anna Zoning Map (Interpretation Request, Exhibit A) identifies "Land Use Type" as "Common Area" and "Land Use Category" as "Public and Private Parks/Open Spaces." As a dedicated Common Area, it is not platted for dwelling purposes and can never be used for dwelling purposes. Consequently, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply.

Question #3: Whether commercial Radio, TV, or Microwave Operations are permitted on Lot 19R through the consideration of a Specific Use Permit.

Director's Interpretation:

No. Lot 19 is zoned Single-Family Residential – Large Lot (SF-E), which is a residential zoning district. The property is platted for single-family residential use. Anna Code Section 9.04.037(b)(4)(E) prohibits commercial antennas and antenna support structures in residential districts on lots platted for single-family purposes.

Applicant's Position:

Because the parcel is not used for dwelling purposes or platted for dwelling purposes, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply and a Specific Use application for a commercial antenna support structure on this parcel can be considered.

DIRECTOR'S SUMMARY

All lots within the Urban Crossing subdivision, including the lot in question, are zoned Single-Family Residential – Large Lot (SF-E). The City Council's adoption of a new Zoning Ordinance consisted of a zoning text amendment and did not legally change the zoning boundaries of property, resulting in the rezoning of the property in question to Agriculture (AG). Thus, the Zoning Ordinance's prohibition of commercial antennas in single-family residential districts applies to this property.

Lot 19 is a platted property within the Urban Crossing residential subdivision. Lot 19 is a residential property, to be used for the enjoyment and benefit of all properties within the subdivision and maintained by the Homeowner's Association.

Under the City's Zoning Ordinance, commercial antennas are not a single-family residential use and as such, Anna Code Section 9.04.037(b)(4)(E) prohibits commercial antennas and antenna support structures in residential districts on lots "platted for single-family dwelling purposes". While the Zoning Ordinance language uses the language "platted for single-family dwelling purposes", Staff believes that the intent of the Ordinance is to prevent non-residential uses (such as commercial antennas and related support structure) from being located on any property platted for single-family residential use, regardless of whether a residential dwelling is built upon it. That includes Homeowner's Association lots.

While the Applicant may argue that there is already an antenna on the property, the City does not have any documentation that the antenna was approved by the City. Thus, we do not know whether it was legally installed. Whether the existing antenna is a legally conforming use is beyond the scope of the issues at hand. However, the Board should keep in mind that the antenna that the Applicant is proposing is more than twice the height of the existing antenna.

Staff are concerned about the precedent that would be set should the Board of Adjustment approve the proposed antenna. Such an approval could trigger a desire by other Homeowner's Associations to raise money by leasing out their platted common area lots to telecommunication companies and/or other commercial users. Homeowners' Associations are notoriously underfunded, and many could see this as a mechanism for solving funding deficits. This is against the spirit and intended use of Homeowner's Associations lots, which are for providing amenities that are for commonly found in residential

subdivisions, such as parks, sidewalks, trails, landscaping, screening and amenity centers, for the use and enjoyment of all residents.

ATTACHMENTS

DIRINT24-0001 - EXHIBIT A – Locator Map

DIRINT24-0001 - EXHIBIT B - Applicant’s Request dated August 15, 2024

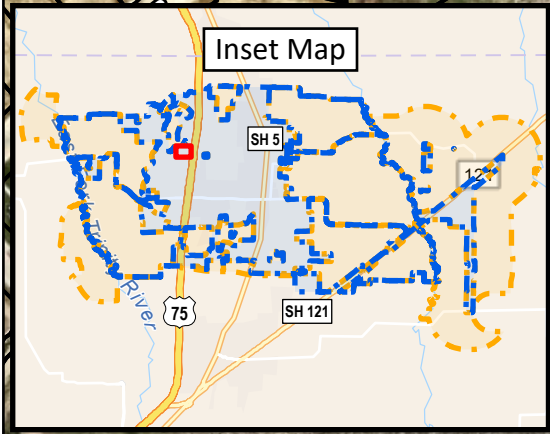
DIRINT24-0001 - EXHIBIT C - Director’s Interpretation dated September 3, 2024

DIRINT24-0001 - EXHIBIT D - Applicant’s Notice of Appeal dated September 19, 2024

DIRINT24-0001 - EXHIBIT E - Urban Crossing Plat

DIRINT24-0001- EXHIBIT F – Zoning Ordinance Sec. 9.04.006. Table 1

**3019 Crossing Dr
Board of Adjustment (DIRINT24-0001)**



THE CITY OF
Anna

N

Subject Property: Blue cross-hatch pattern
City Limits: Blue dashed line
ETJ: Orange dashed line

0 100 200 400 Feet

September 2024

INTERPRETATION REQUEST

Please accept this document and the accompanying exhibits and application form as an official interpretation request by Hemphill, LLC and Urban Crossing Homeowners Association in accordance with Section 9.04.053(b) of the City of Anna Code of Ordinances.

Introduction

Hemphill, LLC is proposing a 125' monopole commercial antenna support structure that will accommodate Verizon Wireless and 3 additional providers on a portion of Lot 19, Block A of the Urban Crossing Plat leased from the Urban Crossing Homeowners Association ("HOA"). This parcel is addressed as 3019 Crossing Drive, Anna, TX 75409. The Property ID is 2700407 and the Geographic ID is R-9650-00A-019R-1. Lot 19, Block A is designated on the plat as a Common Area dedicated to and maintained by the HOA (See [Exhibit C](#)). Section 5.17 of the Urban Crossing "Declaration of Covenants, Conditions and Restrictions" dated September 5, 2022 specifically allows for HOA approval of a tower on the HOA lot (See [Exhibit D](#)). The HOA voted 25-2 to approve this project on the parcel at an HOA meeting on February 20, 2024 (See [Exhibit E](#)).

The only current uses of the parcel are utility and communications uses. There is a Texas Power & Light Company (TXU Energy) utility easement with a transmission tower and lines on the parcel. There is also a high-speed internet provider serving the Urban Crossing neighborhood from an existing 60' lattice tower on the parcel. Please see the Google Street View provided as [Exhibit A](#).

This parcel is zoned AG Agricultural District. Per Section 9.04.028, Table 19: Use Table, "Radio, TV, or Microwave Operations, Commercial" are allowed in all districts, including the AG Agricultural District, with approval of a Specific Use Permit.

However, City of Anna planning staff has indicated that rezoning of this parcel would be necessary before a Specific Use Permit for a commercial antenna support structure could be considered because City of Anna Code of Ordinances Section 9.04.03(b)(4)(E) indicates that "commercial antennas and antenna support structures are prohibited *in residential districts* on lots used or platted for single-family, two-family, or single-family attached dwelling purposes" [emphasis added]. This parcel is neither "residential" nor is it a lot "used or platted for single-family, two family, or single-family attached dwelling purposes". Consequently, we are requesting an official interpretation that the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply and that no rezoning of the parcel is necessary before Hemphill, LLC can move forward with a Specific Use Application for a commercial antenna support structure.

I. The prohibition on commercial antenna support structures in §9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply because the AG Agricultural District is not a "residential district"

The City of Anna Zoning Map indicates this parcel is zoned SF-E (AG). Please see [Exhibit B](#). However, the SF-E designation is no longer valid. Ordinance 1068-2023-08, adopted 8/22/2023, eliminated the SF-E zoning district by combining it into the AG Agricultural District per City of Anna Code of Ordinances Section 9.04.006(a) "...*The zoning districts are established according to Table 1: Zoning Equivalency.*" This table is found in Section 9.04.006(b) and clearly shows that the previous SF-E district is now AG. Additionally, there is no SF-E District in the Table 19: Use Table found in Section 9.04.028 of the City of Anna Code of Ordinances.

EXHIBIT B: APPLICANT'S INTERPRETATION REQUEST, AUGUST 15, 2024

The AG Agricultural District is not a residential district. Table 1: Zoning Equivalency in Section 9.04.006(b) groups zoning districts by category in the left-hand column. The AG Agricultural District is in its own category labelled "Agricultural." The category "Residential" only includes the "SF," "MD," and "MF" districts. It does not include AG.

These categories are also reflected in the column colors in Table 19: Use Table on Section 9.04.028 where the SF districts are yare grouped in yellow, the MD and MF districts are grouped in orange, and the AG Agricultural District has its own separate color (green).

Because the parcel is not in a "residential district" the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply.

II. The prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply because the parcel is not used or platted for single-family, two family, or single-family attached dwelling purposes

Even if the AG Agricultural District was determined to be residential, this is not a lot used or platted for single-family, two family, or single-family attached dwelling purposes.

This parcel, Lot 19, Block A, is designated as a "Common Area" on the Urban Crossing Plat (See [Exhibit C](#)). Note 5 on the Plat states:

"5. Lot 19, Block A is dedicated to and maintained by the homeowners association."

Consistent with this, the interactive City of Anna Zoning Map (see [Exhibit A](#)) identifies "Land Use Type" as "Common Area" and "Land Use Category" as "Public and Private Parks/Open Spaces." As a dedicated Common Area it is not platted for dwelling purposes and can never be used for dwelling purposes.

Furthermore, Section 5.17 of the Urban Crossing "Declaration of Covenants, Conditions and Restrictions" dated September 5, 2022 specifically allows for HOA approval of a tower on the HOA lot (See [Exhibit D](#)). The HOA voted 25-2 to approve this project on the parcel at an HOA meeting on February 20, 2024 (See [Exhibit E](#)). This is consistent with current uses of the parcel for utility and communications uses. A Texas Power & Light Company (TXU Energy) utility easement with a transmission tower and lines and a high-speed internet provider 60' lattice tower are already on this parcel (See [Exhibit A](#)).

This parcel is not used for dwelling purposes – it is used for utility and communications purposes and approved and approved for this proposed use by the HOA. This parcel is not platted for dwelling purposes – it is platted as a common area dedicated and maintained by the HOA and can never be used for dwelling purposes. Consequently, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply.

III. A Specific Use application for a commercial antenna support structure can be considered without rezoning the parcel.

Because the parcel is not in a "residential district" and/or is not "used or platted for single-family, two family, or single-family attached dwelling purposes" the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply.

EXHIBIT B: APPLICANT'S INTERPRETATION REQUEST, AUGUST 15, 2024

There is nothing to override the indication in Section 9.04.028, Table 19: Use Table, that “Radio, TV, or Microwave Operations, Commercial” are allowed in the AG Agricultural District with approval of a Specific Use Permit. No rezoning of the parcel is necessary.

Conclusion

Based on the arguments above and the supporting exhibits provided, applicant respectfully requests an interpretation that:

- The prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply because the AG Agricultural District is not a “residential district” and/or
- The prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply because the parcel is not used or platted for single-family, two family, or single-family attached dwelling purposes,
- Consequently, a Specific Use application for a commercial antenna support structure can be considered without rezoning the parcel.

Respectfully submitted,



Ralph Wyngarden, Faulk & Foster, by Ralph Wyngarden, for Applicant Hemphill, LLC and Property Owner Urban Crossing HOA

11104 Co Rd 368

EXHIBIT A



Image capture: Apr 2023 © 2024 Google

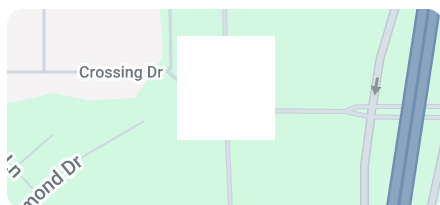


EXHIBIT B

Parcel

Zoom to

Parent Property Block Number	
Parent Property Lot/Tract Number	
Parent Property Acreage	0.0000
Land Use Type	Common Area
Land Use Category	Public and Private Parks/Open Spaces

2 of 2

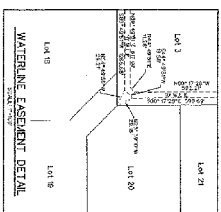
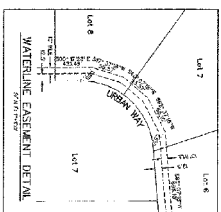
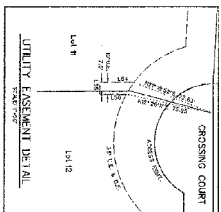
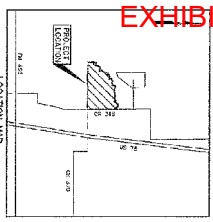
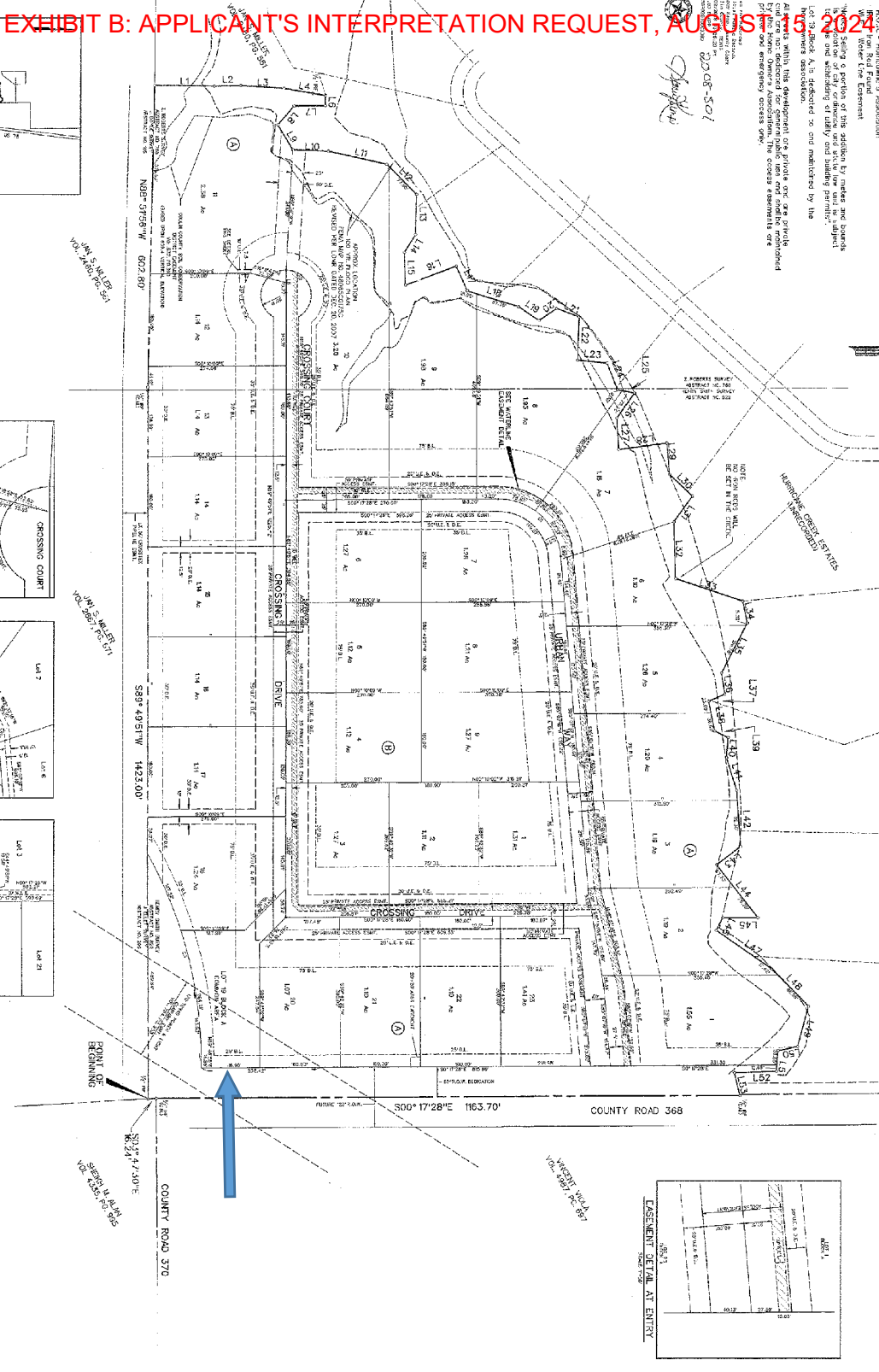
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200 ft

Maxar, Microsoft | Nearmap Vertical Imagery | Collin Central Appraisal District | Powered by Esri

EXHIBIT C

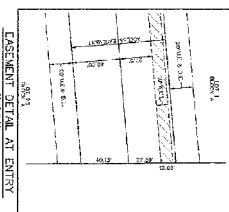
- NOTES:**
- Existing and proposed 20' utility easement shown as described.
 - 1/4" = 1" scale, with "UTILITY EASEMENT" and all boundary corners, block corners, points of curvature, points of tangency, and angle points in blue, except any areas otherwise noted.
 - D.E. - Easement Easements
 - C.M. - Controlling Measurements
 - U.L.C. - Utility Easements
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0" = 50' 1:500
SCALE: 1" = 100'



CHIRP TABLE

CHIRP	BEARS	ROBES	LENGTH	TANGENT	CHIRP	BEARING
1.	68°24'46"	125.00'	115.37'	183.56'	342°20'55"W	
2.	63°00'00"	56.00'	50.00'	500.00'±	50°00'±	
3.	28°45'48"	860.00'	43°1'33"	220.52'	421.21'	



LINE TABLE

LINE NO.	BEARINGS	DISTANCE
1	N 37°31'00" E	128.65'
2	N 23°46'35" E	86.16'
3	N 39°28'04" E	46.00'
4	S 87°24'50" W	620.05'
5	S 87°24'50" W	620.05'
6	S 45°50'21" E	49.51'
7	S 28°23'21" E	70.59'
8	N 12°48'48" E	118.55'
9	S 88°17'24" E	80.53'
10	S 88°17'24" E	80.53'
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URBAN CROSSING
 PART OF THE
 HENRY SMITH SURVEY ABSTRACT NO. 822
 Z. ROBERTS SURVEY ABSTRACT NO. 780

CITY OF ANNA
 COLLIN COUNTY, TEXAS
 HURRICAN OWNER
 THE HURRICAN CENTER
 ALLEN, TEXAS 75002
 PREPARED BY
 CORWIN ENGINEERING, INC.
 200 W. BELMONT ST. STE. E
 ALLEN, TEXAS 75009
 AUGUST 2008 SCALE: 1"=100'

TOTAL ACRES 45.001
 TOTAL LOTS 31

EXHIBIT B: APPLICANT'S INTERPRETATION REQUEST, AUGUST 15, 2024

000-501
 [Signature]

EXHIBIT B: APPLICANT'S INTERPRETATION REQUEST, AUGUST 15, 2024

EXHIBIT D

- Section 5.14 **Hazardous Materials.** No vehicle of any size which transports inflammatory or explosive cargo may be kept in the Subdivision at any time.
- Section 5.15 **Trailers, Boats & Cars.** No trailer of any description shall be stored, kept or maintained in front yard of any Lot. No boat may be stored, kept or maintained on the front yard any Lot. No junked cars or trucks shall be stored, kept or maintained in the driveway or side yard of any Lot. No horse trailer, boat trailer, camping trailer or motor home shall be parked in the driveway for more than 72 hours. If stored on any Lot, storage shall be in a screened area approved in writing by the Architectural Control Committee.
- Section 5.16 **Reception.** No structure or equipment shall be maintained within the Subdivision which interferes with radio, television, or cell phone reception.
- Section 5.17 **Towers.** No radio, television or cellular tower or antenna shall be erected or constructed on any Lot which extends higher than 5 feet over the highest point of the residential structure constructed on the Lot. Towers for the improvement of communications for the benefit of the community can be placed on the HOA lot without height restriction, with approval of the majority of the HOA members.
- Section 5.18 **Offensive Behavior.** No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be, or may become, any annoyance or nuisance to the Subdivision.
- Section 5.19 **Temporary Structures.** No structure of a temporary character such as a trailer, shack, tent, basement, garage or barn or other outbuilding shall be used on any Lot at any time as a dwelling house.
- Section 5.20 **Signage.** No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than five square feet advertising the Lot for sale or rent, or signs used by a contractor to advertise the Lot during the construction and sales period.
- Section 5.21 **Easements.** Easements for drainage facilities and easements for the installation and maintenance of utilities are reserved as shown on the plat.
- Section 5.22 **Minerals.** No Lot shall be used in any manner to explore for or to remove any water, oil, or other hydrocarbons or minerals of any kind, or gravel, earth or any earth substance of any kind.
- Section 5.23 **Livestock.** The raising of livestock or poultry is not permitted on any Lot in the Subdivision. Cats and dogs must be confined to owner's Lot.
- Section 5.24 **Illegal Dumping.** No Lot shall be used as a dumping ground for rubbish, trash, garbage or other waste. All wastes shall be kept in sanitary containers.

EXHIBIT E

HOA Special Meeting – Cell Tower Proposal

February 20, 2024

The Urban Crossing Homeowners Association met on February 20th to discuss the proposed cell tower to be placed on the HOA lot.

The meeting was called to order at 7:03 PM. 27 owners were represented in person or by proxy. A quorum was in place.

Tom opened the meeting with an update on the tower proposal. Hemphill Towers is offering the HOA a [REDACTED] payment for a two year option to place a tower on the HOA lot. This would be followed by a second one year option for an additional [REDACTED]. Once a tower is installed the HOA would receive a monthly payment of [REDACTED] for the first five years of operation. The agreement would have 9 additional five year options. At the execution of each option the monthly lease rate would increase by [REDACTED]. If executed this would provide the HOA with [REDACTED] per year. It is believed that with a contract in hand and income of that level the HOA could secure a loan to install a masonry wall along the East edge of the neighborhood. Tom also shared with the owners that the proposed contract had been reviewed by a real estate attorney who has worked in the cell tower business and found that it should be agreeable to the HOA. Tom reported that based on some information from other sources that the [REDACTED] per month fee was considered reasonable. There was a request to see if we could get the amount increased.

Tom asked Steve Sweeney to talk about additional details of the planned tower type and placement and thanked Steve for the effort he has put into working with Hemphill Towers.

Steve explained that the proposed tower would be a monopole design and would not exceed 125 feet. This is a reduction from the 140 feet they had previously requested. The area surrounding the tower will be enclosed with a steel fence as required by our CC&Rs and would also be surrounded by screening shrubbery. All setbacks as required by the CC&Rs will also be met. Both the fence and the shrubbery will be maintained by the tower company. Steve believes that work would likely begin on the install within six months based on discussions with Hemphill. Installation would take several weeks to complete. The tower company will be responsible for running all utilities to the tower location. Access to the tower for the companies maintenance requirements will be provided via the current construction gate entry. Once Rosamond is extended and the construction gate is removed access will be provided from Crossing Drive. The cell service for our neighborhood would be drastically improved as well as potential internet capability.

There were questions about the impact to the value of the HOA lot from a tax perspective and Tom took the action to look into that aspect of the program. It was

pointed out by one owner that taxes on a current unimproved lot that did have value was only \$3000 per year and since the HOA lot is not buildable in its current state, and would be less so after Rosamond is completed, the tax impact if any should be minimal.

Tom called a for a vote on the approval to proceed with the contract with Hemphill Towers. A motion to approve was may by Jeff Dunham and seconded by Stuart Brown. Yea votes were 25 and nay votes were two. Four owners were not present to vote and did not provide proxy. The motion to proceed with the proposed contract with Hemphill towers was approved with 81% of the owners.

Steve then asked owners if they had noticed a problem with sediment in their water. There was no significant issues reported by other owners. There was discussion about the need to periodically drain and descale tankless water heaters.

Jennifer Richardson then shared with the owners that Randy Atchley from the Anna City Council was running for Mayor of Anna and asked for support. Randy was one of the city council members who was attentive to our challenge to Atmos' request to install a chemical injection station within feet of our neighborhood and his vote was important in the council cancelling Atmos' permits.

The meeting was closed at 7:50 PM.

Additional updates:

Steve worked with Hemphill to see if we could get an increase in the amount of payment for the lease. He was successful in negotiating an increase in the monthly rate to [REDACTED] per month. This would now generate an annual income of [REDACTED]. In addition the initial option period will be limited to one year and a follow on one year option would increase to [REDACTED]. At the end of the 9th five year option period where there was no planned annual increase previously additional five year options would increase a [REDACTED] rate.

The concern about impact to property taxes on the lot is addressed in the contract. The tower company will be responsible for reimbursing any increased tax cost as a result of their tower being on the lot. Here is the paragraph from the agreement:

Taxes. Tenant shall pay all personal property taxes separately levied or assessed against Tenant's Facilities on the Leased Premises. Landlord shall pay when due all real property taxes and all other fees and assessments attributable to the Property and the Leased Premises, provided that Tenant shall reimburse Landlord for the increase in any such real property taxes that is directly attributable to the Tenant Facilities, and Landlord agrees to provide such documentation to Tenant. If Landlord fails to pay when due any taxes affecting the Property or the Leased Premises, Tenant shall have the right, but not the obligation, to pay such taxes and (i) deduct the full amount of the taxes paid by Tenant on Landlord's behalf from future installments of Rent, or (ii) collect such taxes by any lawful means.

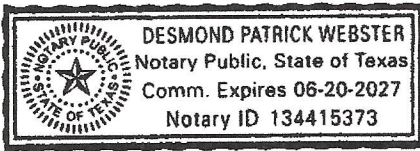
Thanks again to Steve for working on the value of the lease. Hemphill is incorporating those changes into the document and will be provided it to us for execution in the near term. We will keep you posted on when it is complete.

Tom
for the HoA Board

I, Thomas L. Longmire, hereby state on oath that these Urban Crossing Homeowners Association meeting minutes are a true and complete recording of the Owners meeting held on February 20, 2024.


Thomas L. Longmire
HOA President

Sworn and subscribed before me on this 7 day of May, 2024 by Thomas L. Longmire, to certify which witness my hand and seal of office.




Notary Public, State of Texas

★
120 W. 7TH St., Anna, TX 75409
Phone: 972-924-2616 www.annatexas.gov

THE CITY OF
Anna

September 3, 2024

Hemphill, LLC
Attn: Ralph Wyngarden, Faulk & Foster
PO Box 1371
West Monroe, LA 71294-1371

RE: Director Interpretation Request
Urban Crossing, Block A, Lot 19R
City Project Number: DIRINT24-0001

Dear Mr. Wyngarden,

This letter is in response to your request for an interpretation of the City of Anna City Code of Ordinances (the “Anna Code”) received by our office on August 15, 2024.

Per your application, Hemphill, LLC is proposing to install a 125-foot monopole commercial antenna and related support structure and screening wall on a portion of Urban Crossing, Block A, Lot 19R, commonly known as 3019 Crossing Drive, Anna, Texas.

Applicant’s Request

The applicant has requested a Director of Development Services interpretation of the following Anna Code regulations:

1. **The prohibition of commercial antenna support structures in “residential districts” referred to in Section 9.04.037(b)(4)(E) of the Anna Code.** The applicant states this section does not apply because the property in question is located within the Agricultural (AG) zoning district per the Zoning Equivalency Table, which classifies the AG district as “Agricultural” and separate from zoning districts classified as “Residential”,
2. **The prohibition of commercial antenna support structures “on lots used or platted for single-family, two-family, or single-family attached dwelling purposes” as referred to in Section 9.04.037(b)(4)(E) of the Anna Code.** The applicant states this section does not apply because the property in question is not “used or platted for single-family, two family, or single-family attached dwelling purposes”,

EXHIBIT C - Director's Interpretation

3. **The applicant states that the property in question is zoned Agricultural (AG) and that per Use Table 19 in Section 9.04.028, Radio, TV, or Microwave Operations, Commercial uses are permitted in the AG District through consideration of a Specific Use Permit application.**

Director's Interpretation

1. **The prohibition of commercial antenna support structures in “residential districts” referred to in Section 9.04.037(b)(4)(E) of the Anna Code.**

Section 9.04.037(b)(4)(E) of the Anna Code provides that:

“Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached dwelling purposes...”

The first question is whether Lot 19R is in a *residential district* as provided in the Zoning Ordinance.

Block A, Lot 19R is located within the Urban Crossing platted subdivision as approved by the Anna City Council on June 11, 2013, and recorded with the Collin County Clerk on December 27, 2013. The plat states that the property is dedicated to and maintained as a Common Area lot to be maintained by the Homeowner's Association.

On March 27, 2007, the Anna City Council approved a rezoning of the Urban Crossing subdivision from Agricultural District (AG) to Single-Family Residential – Large Lot (SF-E) (See attached Ordinance No. 318-2007). The lot in question was included in that rezoning.

*Note that the City has referred to the SF-E zoning district as both Single-Family-Large Lot and Single-Family – Estate.

On August 22, 2023, the Anna City Council adopted a comprehensive update of the Anna Code, Chapter 9, Planning and Development Regulations (Ordinance No. 1068-2023-08). The Zoning Ordinance (Article 9.04) was part of that comprehensive update. The City approved Table 1: Zoning Equivalency table found in Section 9.04.006. The table provides that the Single-Family Residential - Estate (SF-E) zoning district and Agricultural (AG) zoning districts were combined into a single zoning district (Agricultural (AG)).

The intent of this combination was simplification of reference for future zoning classifications since both the SF-E and AG share rural characteristics and a one-acre minimum lot size and so that “AG zoning” would be the district applied to newly annexed areas going forward. The intent was not to retroactively change every existing SF-E district—including platted and fully developed residential subdivisions with existing single-family dwellings—to AG zoning.

EXHIBIT C - Director's Interpretation

However, while the change was reflected in the revised Zoning Ordinance adopted by City Council on August 22, 2023, a legal rezoning of the Urban Crossing subdivision from SF-E to AG did not take place concurrently with the adoption of the new Zoning Ordinance.

Section 9.04.050 General Procedures sets forth the procedural components for specific land use decisions. Per the section, a rezoning requires publication in the City's official newspaper, mailed notification in accordance with Texas Local Government Code Section 211.007(c), including the 200-foot notification area and 20% protest requirements, and the installation of zoning notification signs on the property in question. This process did not occur and hence did not result in a rezoning of the Urban Crossing with the City Council's adoption of the updated Zoning Ordinance on August 23, 2024.

In summary, Lot 19R continues to be zoned Single Family – Residential Large Lot SF-E, which is a residential zoning district.

- 2. The prohibition of commercial antenna support structures “on lots used or platted for single-family, two-family, or single-family attached dwelling purposes” as referred to in Section 9.04.037(b)(4)(E) of the Anna Code.**

The second question is whether Lot 19R is a lot used or platted for *single-family dwelling purposes* as set forth in the Zoning Ordinance.

The Urban Crossing Replat was approved by the City Council on June 11, 2013, and recorded with the Collin County Clerk on December 27, 2013. Per the plat, Block A, Lot 19R is dedicated as a Common Area lot to be maintained by the Homeowner's Association.

As set forth in Ordinance No. 318-2007 adopted by City Council on March 27, 2007, and reflected on the official City of Anna Zoning Map, the Urban Crossing subdivision is zoned Single-Family-Residential Large Lot (SF-E) and is developed as a single-family residential neighborhood.

Lot 19R is a Common Area lot, platted and zoned as a property within the Urban Crossing single-family residential subdivision. Lot 19R was zoned and intended for the use and enjoyment of the surrounding residential neighborhood. The property's SF-E zoning ensures that Lot 19R can be used for single-family residential uses as permitted by the Zoning Ordinance and further allowed under the Urban Crossing Homeowner's Association governing documents.

In summary, Lot 19R is within the SF-E zoning district and is a platted lot for single-family dwelling purposes.

- 3. The property in question is zoned Agricultural (AG). Per Use Table 19 in Section 9.04.028, Radio, TV, or Microwave Operations, Commercial uses are**

permitted in the AG District through consideration of a Specific Use Permit application.

According to Ordinance No. 318-2007 adopted by City Council on March 27, 2007, and reflected on the official City of Anna Zoning Map, the Urban Crossing subdivision is zoned Single-Family-Residential Large Lot (SF-E) and is developed as a single-family residential subdivision. A legal rezoning of the property to Agricultural (AG) did not occur with the adoption of the new Zoning Ordinance by City Council on August 22, 2023. Thus, a Specific Use Permit application is not applicable for the proposed use.

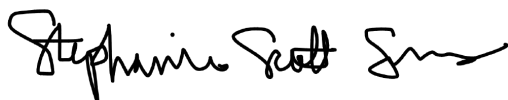
Conclusion

Based on the above information, it is my interpretation that under Section 9.04.037(b)(4)(E) of the Anna Code, commercial antennas and antenna support structures are prohibited on Block A, Lot 19R, Urban Crossing, because the property is located within a residential district and is a lot used or platted for single-family dwelling purposes.

Please note that your request for this zoning interpretation does not constitute an application for the installation of a commercial antenna and does not constitute the submittal of a formal application for rezoning and/or special use permit, as applicable, nor has any fee been paid. Prior to submitting any permits or other development applications to the City of Anna for a commercial antenna and/or antenna support structure, a formal rezoning application would be required to rezone the subject property to a non-residential zoning district. A complete rezoning application would need to be filed with all required documents and fees. See Anna Code, Chapter 9, Article 9.04. See also <https://www.annatexas.gov/DocumentCenter/View/3331/Zoning-Application>. Depending on the nature of a submission additional documents and materials may be required.

See Anna Code Section [9.04.050\(m\)](#) for information and procedures related to an appeal of this zoning ordinance interpretation.

Should you have any questions, please do not hesitate to contact me at (214) 831-5351 or at Sscottsim@annatexas.gov.



Stephanie Scott-Sims, AICP
Director of Development Services

CC: Greg Peters, Assistant City Manager
Clark McCoy, City Attorney
Lauren Mecke, Planning Manager
file

**NOTICE OF APPEAL
TO CITY OF ANNA BOARD OF ADJUSTMENT
OF DIRECTOR INTERPRETATION DIRINT24-0001**

Appellant Hemphill, LLC hereby gives this Notice of Appeal to the City of Anna Board of Adjustment of Director Interpretation DIRINT24-0001 issued September 3, 2024.

Authority

Per Anna Code of Ordinances Section 9.04.074(c)(1) and Texas Local Government Code Section 211.009(1), the Board of Adjustment has the authority to review alleged errors in a determination made by an administrative official of the City.

Ordinance Provision at Issue

Anna Code of Ordinances Section 9.04.03(b)(4)(E) states:

“Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached dwelling purposes...” [emphasis added].

This prohibition does not apply in zoning districts not classified as residential.

Even in a residential district, this prohibition does not apply to lots that are not used or platted for dwelling purposes.

Record

Appellant hereby provides the following items for inclusion in the record on appeal:

- Request for Zoning Ordinance Interpretation Application Form
- Interpretation Request with Exhibits A-E
- Director Interpretation DIRINT24-0001

Alleged Errors/Grounds for Appeal

Director Interpretation DIRINT24-0001 should be reversed because of the following errors:

1. The Director Interpretation improperly relies on an SF-E Zoning District designation that no longer exists to classify the zoning of Lot 19 as residential and apply the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances.

The SF-E designation is no longer valid. Ordinance 1068-2023-08, adopted 8/22/2023, completely repealed and replaced the old zoning ordinance. In that meeting the city’s consultant reviewed the new ordinance under consideration and highlighted that the city’s 27 zoning districts had been consolidated down to 18. The SF-E zoning district was eliminated by combining it into the AG Agricultural District. Per City of Anna Code of Ordinances Section 9.04.006(a) *“...The zoning districts are established according to Table 1: Zoning Equivalency.”* This table is found in Section 9.04.006(b) and clearly shows that the previous SF-E district is now AG.

The argument that the consolidation to AG applies only to newly annexed areas going forward, and that previous SF-E zoned property remains zoned as SF-E, is problematic. How would that work? Where would owners and developers of SF-E zoned property go to find the uses permitted, or setbacks, or other applicable requirements when the old ordinance has been completely repealed and replaced? There are no regulations for SF-E in the new ordinance. There is no SF-E District in the Use Table (Table 19) found in Section 9.04.028 of the City of Anna Code of Ordinances. Furthermore, if SF-E zoned parcels remain

zoned SF-E, there is no need for the Zoning Equivalency Table (Table 1) in Section 9.04.006(b). An equivalency table only makes sense where parcels already have a zoning classification and that classification is changed. Clearly, all SF-E zoned parcels are now zoned AG. The applicable regulations for Lot 19 are now those of the AG Agricultural District.

The AG Agricultural District is not a residential district. Table 1: Zoning Equivalency in Section 9.04.006(b) groups zoning districts by category in the left-hand column. The AG Agricultural District is in its own category labelled "Agricultural." The category "Residential" only includes the "SF," "MD," and "MF" districts. It does not include AG.

These categories are also reflected in the column colors in the Use Table (Table 19) in Section 9.04.028 where the SF districts are yare grouped in yellow, the MD and MF districts are grouped in orange, and the AG Agricultural District has its own separate color (green).

Because the zoning classification of Lot 19 is no longer residential, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply and a Specific Use application for a commercial antenna support structure on this parcel can be considered.

2. The Director Interpretation improperly ignores the word "dwelling" in applying the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances to Lot 19.

Even if Lot 19 is determined to be in a residential district, the prohibition is not applicable because the lot is not used or platted for a dwelling. The objective of Section 9.04.037(b)(4)(E) is not to prohibit a commercial antenna support structure in a residential district (indeed, Table 19: Use Table in Section 9.04.028 allows this use in any district with approval of a Specific Use Permit). Rather, the objective is solely to rule out parcels with a dwelling or platted for a future dwelling.

a. Not Used for a Dwelling

The only current uses of Lot 19 are utility and communications uses. There is a Texas Power & Light Company (TXU Energy) utility easement with a transmission tower and lines on the parcel. There is also a high-speed internet provider serving the Urban Crossing neighborhood from an existing 60' lattice tower on the parcel. Please see the Google Street View provided in the record as Interpretation Request, [Exhibit A](#).

Section 5.17 of the Urban Crossing "Declaration of Covenants, Conditions and Restrictions" dated September 5, 2022, specifically allows for HOA approval of a tower on the HOA lot (Interpretation Request, [Exhibit D](#)). The HOA voted 25-2 to approve this project on the parcel at an HOA meeting on February 20, 2024 (Interpretation Request, [Exhibit E](#)). This is consistent with current uses of the parcel for utility and communications uses. This parcel is not used for dwelling purposes – it is used for utility and communications purposes and approved for this proposed commercial antenna support structure by the HOA.

b. Not Platted for a Dwelling

This parcel, Lot 19, Block A, is designated as a "Common Area" on the Urban Crossing Plat (Interpretation Request, [Exhibit C](#)). Note 5 on the Plat states:

"5. Lot 19, Block A is dedicated to and maintained by the homeowners association."

Consistent with this, the interactive City of Anna Zoning Map (Interpretation Request, [Exhibit A](#)) identifies "Land Use Type" as "Common Area" and "Land Use Category" as "Public and Private

Parks/Open Spaces.” As a dedicated Common Area, it is not platted for dwelling purposes and can never be used for dwelling purposes. Consequently, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply.

Because the parcel is a not used for dwelling purposes or platted for dwelling purposes, the prohibition in Section 9.04.037(b)(4)(E) of the City of Anna Code of Ordinances does not apply and a Specific Use application for a commercial antenna support structure on this parcel can be considered.

Conclusion

Appellant Hemphill, LLC respectfully requests that the Board of Adjustment reverse the Director Determination that the prohibition on commercial antenna support structures in Section 9.04.037(b)(4)(E) is applicable to Lot 19 and instead determine that the prohibition is not applicable – either on the basis that Lot 19 is not in a residential district or, on the alternative basis that the Lot 19 is not used or platted for dwelling purposes.

Respectfully submitted,



Faulk & Foster, by Ralph Wyngarden, for Applicant Hemphill, LLC

Dated: 9/19/24

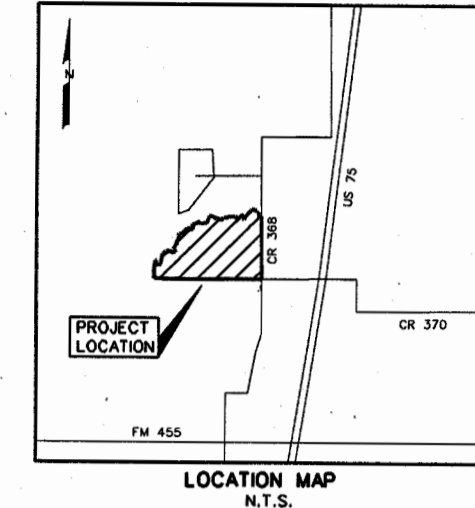
NOTES:

- Bearings are referenced to 45,001 acre tract, as described in Clerks File No. 20070329000424310 the Deed Records of Collin County, Texas.
- 1/2" iron rods with "DAL-TECH." set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted
- D.E. - Drainage Easements
B.L. - Building Line
C.M. - Controlling Monuments
U.E. - Utility Easements
H.O.A. - Homeowners Association
IRF - Iron Rod Found
WLE - Water Line Easement
- "Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utility and building permits".
- Lot 19 Block A, is dedicated to and maintained by the homeowners association.
- All streets within this development are private and are not dedicated for general public use and shall be maintained by the Home Owners Association. The access easements are private and emergency access only.
- All lots must utilize alternative type On-Site Sewage Facilities. The existing OSSFs on Lots 3R, 4R and 7R are all alternative systems, suitable for the site and existing structure. Any changes to the existing structures must be reviewed by CCDS prior to construction for compliance with OSSF regulations.
The P.E. As-Built submitted with the plat shows all OSSF components for Lots 3R, 4R and 7R to be completely within the boundaries of the Lots. If any of the OSSF components are actually over the any of the lot lines and continue onto another parcel, the entire system(s) must be replaced with an approved alternative system (after review and permitting through CCDS).
- A portion of Lots 1R-A, 2R-A, 3R-A, 4R-A, 5R-A, 6R-A, 7R-A, 8R-A, 9R-A, 10R-A and 11R-A is located within the 100-year flood plain. Any OSSF that is located within the 100-year flood plain is subject to special planning requirements. A certificate of elevation proving that the finished floor will be at least 2 feet above base flood elevation must accompany any permit application for a structure that is proposed to be located within the curvilinear line of the 100-year flood plain. All electrical/mechanical appurtenances located within the 100-year flood plain must be elevated at least 2 feet above base flood elevation.
- Must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/ponds, etc. (Per State regulations).
- Tree removal and/or grading for OSSF may be required on individual lots.
- Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.

2013/22/01/0003710 12/27/2013 03:14:47 PM PL 1/2

EXHIBIT F: Urban Crossing Plat

0 50 100 200
SCALE: 1" = 100'



LINE TABLE

LINE NO.	BEARING	DISTANCE
1.	N 00°50'59" E	118.62'
2.	N 01°11'00" E	52.66'
3.	N 03°46'36" W	86.46'
4.	N 09°59'07" E	83.99'
5.	N 89°28'04" E	45.00'
6.	S 87°24'50" E	20.06'
7.	S 00°29'11" E	61.69'
8.	S 49°30'21" E	49.91'
9.	N 58°53'43" E	57.81'
10.	N 02°29'27" E	70.98'
11.	N 12°49'38" E	118.95'
12.	N 44°53'48" E	84.68'
13.	S 88°47'24" E	80.28'
14.	S 57°53'29" E	41.96'
15.	N 88°12'19" E	65.53'
16.	N 20°18'44" W	108.54'
17.	N 65°20'15" W	54.21'
18.	N 17°15'58" E	106.68'
19.	N 34°03'08" E	49.38'
20.	N 34°29'24" W	42.48'
21.	N 20°00'59" E	48.50'
22.	S 88°00'07" E	86.61'
23.	N 05°43'50" E	59.19'
24.	N 68°19'39" E	57.00'
25.	N 11°08'48" E	34.52'
26.	S 54°48'52" E	61.05'
27.	N 86°24'52" E	62.96'
28.	N 07°46'37" W	97.00'
29.	N 84°36'01" E	62.89'
30.	N 43°26'25" E	63.19'
31.	S 53°53'43" E	63.07'
32.	N 88°10'36" E	113.32'
33.	N 18°37'26" E	141.56'
34.	N 78°31'09" E	44.63'
35.	S 63°14'39" E	112.10'
36.	N 81°23'03" E	42.64'
37.	S 24°34'27" E	35.19'
38.	N 78°32'17" E	60.35'
39.	N 26°02'10" E	30.00'
40.	S 85°22'57" E	40.23'
41.	N 72°37'22" E	69.15'
42.	N 85°57'59" E	111.89'
43.	S 38°31'29" E	59.93'
44.	N 52°15'30" E	133.45'
45.	S 00°06'42" E	69.85'
46.	S 63°24'50" E	28.00'
47.	N 35°05'02" E	134.08'
48.	N 45°29'31" E	104.38'
49.	S 74°53'41" E	83.89'
50.	S 12°00'57" E	39.56'
51.	S 85°40'20" E	28.85'

FROM:

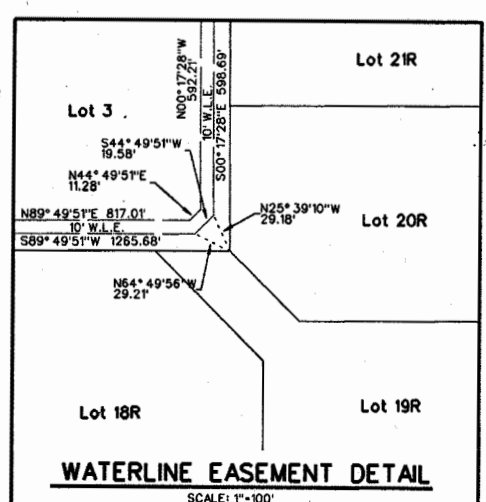
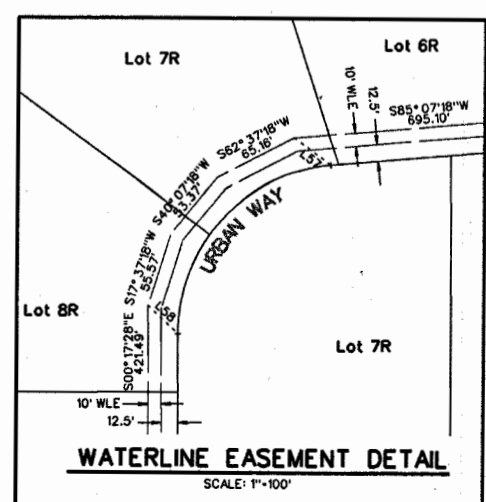
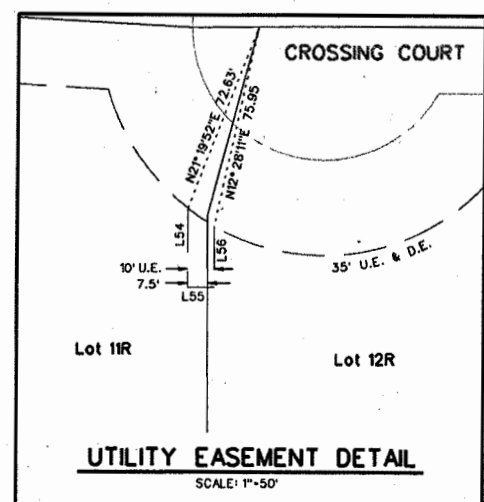
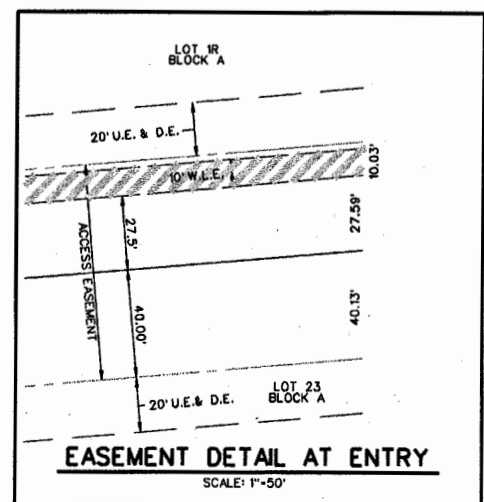
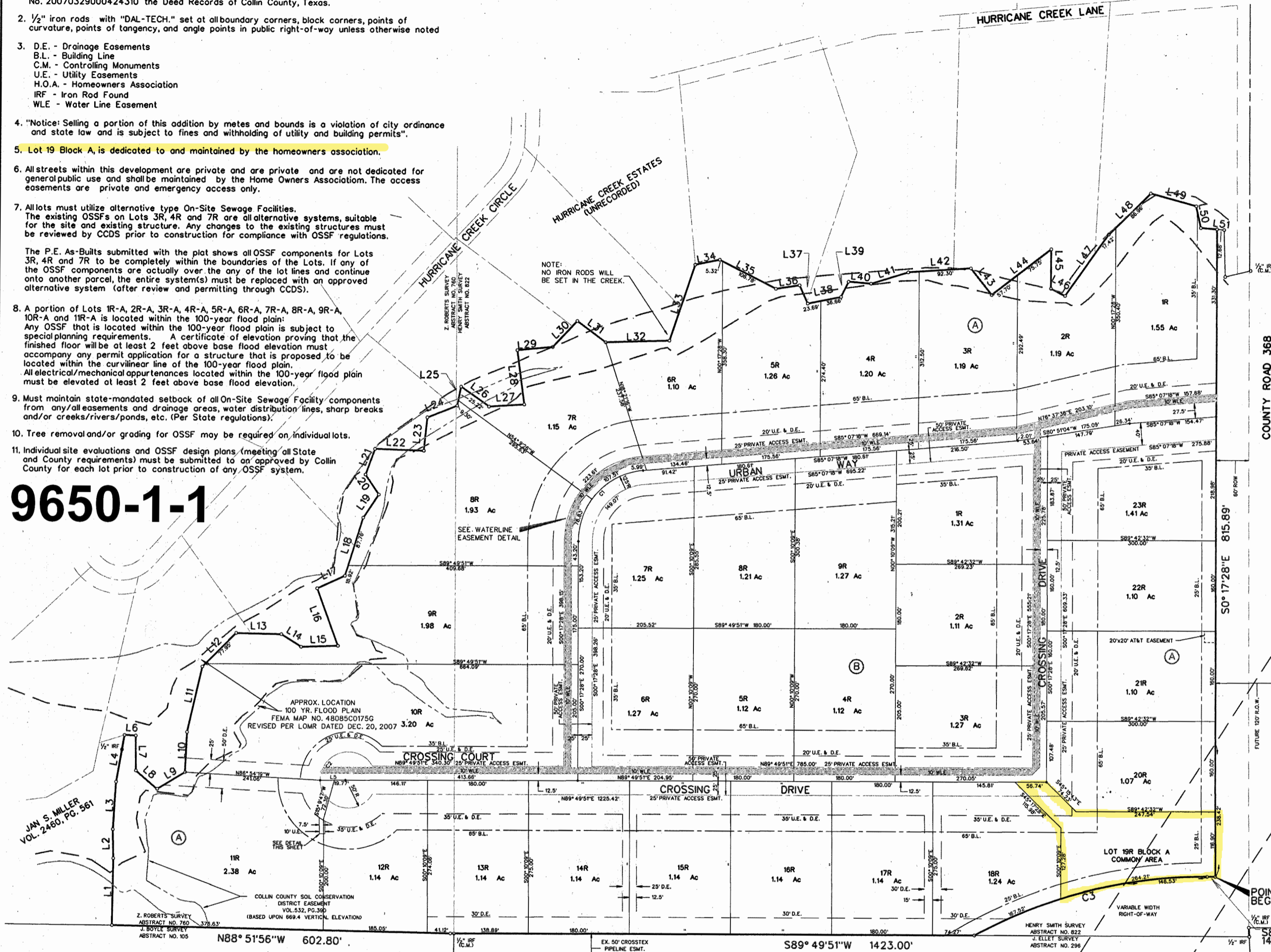
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R-9650-00A-0190-1	
R-9650-00A-0200-1	
R-9650-00A-0210-1	
R-9650-00A-0220-1	
R-9650-00A-0230-1	

FOR TAX YEAR 2014

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
1.	85°24'46"	125.00'	186.34'	115.37'	169.56'	S42°24'55" W
2.	60°00'00"	50.00'	261.80'	50.00'	50.00'	S00°09'30" E
3.	28°45'48"	860.00'	431.73'	220.52'	427.21'	S75°26'04" W

9650-1-1



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
12/27/2013 03:14:47 PM
\$31.80 DISTRICT
20131227010003710



TOTAL ACRES 42.684
TOTAL LOTS 31

S9650
RE-PLAT / AMENDING PLAT
OF
URBAN CROSSING
TO CHANGE FRONT BUILDING
LINES FROM .75' TO .65'
OUT OF THE
HENRY SMITH SURVEY ABSTRACT NO. 822
Z. ROBERTS SURVEY ABSTRACT NO. 760

IN THE
CITY OF ANNA
COLLIN COUNTY, TEXAS
OWNER
HURRICANE MANOR, INC.
115 RICHARDSON COURT
ALLEN, TEXAS 75002
214-495-8100
PREPARED BY
DAL-TECH ENGINEERING, INC.
17400 DALLAS PARKWAY, SUITE 110
DALLAS, TEXAS 75287
972-250-2727

LEGAL DESCRIPTION

WHEREAS, HURRICANE MANOR, INC. is the owner of a tract of land situated in the City of Anna, Collin County, State of Texas, being situated in the Henry Smith Survey, Abstract No. 822, and the Z. Roberts Survey, Abstract No. 760, in Collin County, Texas and being all of Lots 1-23, Block A and Lots 1-9, Block B, of Urban Crossing, an addition to the City of Anna, as described in Volume 2008, Pages 501-502, in the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "DAL-TECH" set at the southeast corner of Lot 19, Block A, of said Urban Crossing, being the intersection of the west line of County Road 368 (60 foot right-of-way) and the north line of the County Road No. 310 extension (variable width right-of-way);

THENCE South 89°48'58" West, with said north line and with with south line of said Lot 19, a distance of 14.85 feet to a 1/2 inch iron rod with cap stamped "DAL-TECH" set at the point of curvature of a curve to the left, having a radius of 860.00 feet, a central angle of 28°45'48", and a tangent of 220.52 feet;

THENCE with said curve to the left, continuing with said north line and with the south lines of said Lot 19 and Lot 18, Block A, of said Urban Crossing, an arc distance of 431.73 feet (Chord Bearing South 75°28'04" West - 427.21 feet), to the north line of a 105.5 acre tract of land conveyed to Jan Sherley Miller, as described in Volume 2667 Page 671, of the Deed Records of Collin County, Texas;

THENCE, South 89°49'51" West, with the south line of said Urban Crossing and the north line of said 105.5 acre tract, at 926.82 feet, passing a 1/2 inch iron rod at the northwest corner of said 105.5 acre tract and continuing with said south line a total distance of 933.16 feet to a 1/2 inch iron rod with cap stamped "CORWIN ENGR INC" found;

THENCE, North 88°51'56" West, continuing with said south line, for a distance of 602.80 feet to a 1/2 inch iron rod with cap stamped "CORWIN ENGR INC" found at the southwest corner of said Urban Crossing;

THENCE, North 00°50'49" East, with the west line of said Urban Crossing, a distance of 118.62 feet to a 1/2 inch iron rod with cap stamped "CORWIN ENGR INC" found;

THENCE, North 01°1'00" W, continuing with said west line, a distance of 52.66 feet to a 1/2 inch iron rod with cap stamped "CORWIN ENGR INC" found;

THENCE, North 03°46'36" East, continuing with said west line, a distance of 86.46 feet;

THENCE, North 09°59'07" East, continuing with said west line, at 58.26 feet passing a 1/2 inch iron rod found, and continuing for a total distance of 83.99 feet to the approximate center of a branch of Hurricane Creek, also being in the south line of Hurricane Creek Estates, an unrecorded Plat;

THENCE with the north line of said Urban Crossing and the south line of said Hurricane Creek Estates, also being the center of said creek, the following meanders:

- South 87°24'50" East, for a distance of 20.06 feet;
South 00°29'11" East, for a distance of 61.69 feet;
South 49°30'21" East, for a distance of 49.91 feet;
North 58°53'43" East, for a distance of 57.81 feet;
North 02°29'27" East, for a distance of 70.98 feet;
North 12°49'58" East, for a distance of 118.95 feet;
North 44°53'48" East, for a distance of 84.68 feet;
South 88°47'24" East, for a distance of 80.28 feet;
South 57°53'29" East, for a distance of 41.96 feet;
North 88°12'19" East, for a distance of 65.53 feet;
North 20°18'44" West, for a distance of 108.54 feet;
North 65°20'15" East, for a distance of 54.21 feet;
North 17°15'58" East, for a distance of 106.68 feet;
North 34°03'08" East, for a distance of 49.38 feet;
North 34°29'24" West, for a distance of 42.48 feet;
North 20°00'59" East, for a distance of 48.50 feet;
South 88°00'07" East, for a distance of 86.61 feet;
North 05°43'50" East, for a distance of 59.19 feet;
North 68°19'39" East, for a distance of 57.00 feet;
North 11°08'48" East, for a distance of 34.52 feet;
South 54°48'52" East, for a distance of 61.05 feet;
North 86°24'52" East, for a distance of 62.96 feet;
North 07°46'37" West, for a distance of 97.00 feet;
North 84°36'01" East, for a distance of 62.89 feet;
North 43°26'25" East, for a distance of 63.19 feet;
South 53°53'43" East, for a distance of 63.07 feet;
North 88°10'36" East, for a distance of 113.32 feet;
North 18°37'26" East, for a distance of 141.56 feet;
North 78°31'09" East, for a distance of 44.63 feet;
South 63°14'39" East, for a distance of 112.10 feet;
North 81°23'03" East, for a distance of 42.64 feet;
South 24°34'27" East, for a distance of 35.19 feet;
North 78°32'17" East, for a distance of 60.35 feet;
North 26°02'10" East, for a distance of 30.00 feet;
South 85°22'57" East, for a distance of 40.23 feet;
North 72°37'22" East, for a distance of 69.15 feet;
North 85°57'59" East, for a distance of 111.89 feet;
South 38°31'29" East, for a distance of 59.93 feet;
North 52°15'30" East, for a distance of 133.45 feet;
South 00°06'42" East, for a distance of 69.85 feet;
South 63°24'50" East, for a distance of 28.00 feet;
North 35°05'02" East, for a distance of 134.08 feet;
North 45°29'31" East, for a distance of 104.38 feet;
South 74°53'41" East, for a distance of 83.89 feet;
South 12°00'57" East, for a distance of 39.56 feet;
South 85°40'20" East, for a distance of 28.85 to the northeast corner of Lot 1, Block A, of said Urban Crossing, being in the west line of said County Road No. 368;

THENCE, South 00°17'28" East, with the west line of said County Road No. 368 a distance of 815.89 feet, to the POINT OF BEGINNING and containing 42.684 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that I, Patrick J. Baldasaro, do hereby certify that I prepared this Plat and the field notes from an actual and accurate survey of the land, that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the subdivision Regulations of the City of Anna, Texas.

Signature of Patrick J. Baldasaro, R.P.L.S. No. 5504

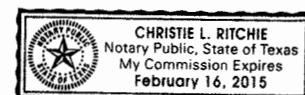


THE STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared PATRICK J. BALDASARO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 19th day of December, 2013.

Signature of Christie L. Ritchie, Notary Public, State of Texas



"KNOW ALL MEN BY THESE PRESENTS:

THAT, HURRICANE MANOR, INC., is the owner of the above-described project and does hereby adopt this plat designating the herein described property as Replat of URBAN CROSSING, an addition to the City of Anna, Texas, and does hereby dedicate to the public use forever the right-of-way, streets, easements, and alleys platted hereon.

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

Witness my hand this 20th day of December, 2013

HURRICANE MANOR, INC.

Signature of R.G. Urban, President

THE STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public for the State of Texas, on this day personally appeared R.G. URBAN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this the 20th day of December, 2013.

Signature of Tana Ross, Notary Public, State of Texas



APPROVED THIS 11th DAY OF June, 2013 BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS.

Signature of Mayor

Signature of Natha Wilburn, City Secretary



Health Department Certification: I 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.

Registered Sanitarian or Designated Representative
Collin County Development Services

S9650

REPLAT OF

URBAN CROSSING

TO CHANGE FRONT BUILDING LINES FROM 75' TO 65'

OUT OF THE

HENRY SMITH SURVEY ABSTRACT NO. 822

Z. ROBERTS SURVEY ABSTRACT NO. 760

IN THE

CITY OF ANNA

COLLIN COUNTY, TEXAS

OWNER

HURRICANE MANOR, INC.

115 RICHARDSON COURT ALLEN, TEXAS 75002 214-495-8100

PREPARED BY

DAL-TECH ENGINEERING, INC.

17400 DALLAS PARKWAY, SUITE 110 DALLAS, TEXAS 75287 972-250-2727

MAY 2013

Filed and Recorded
Official Public Records
Stacey Kato, County Clerk
Collin County, TEXAS
12/27/2013 03:14:47 PM
\$31.00 FEE
20131227010003710



2013-569
Signature



TOTAL ACRES 42.684
TOTAL LOTS 31

§ 9.04.006. Districts established.

- (a) Generally. The city is geographically divided into base, overlay, and special zoning districts. The zoning districts are established according to table 1: zoning equivalency.
 - (1) Base districts capture the major development categories, including residential and nonresidential uses and development activities. Each base district includes permitted uses and dimensional standards.
 - (2) Overlay districts establish additional standards within a base district.
 - (3) Special districts also establish additional standards within a base district, but some standards may be unique to individual developments as determined through the site plan approval process.
- (b) Zoning equivalency. See table 1: zoning equivalency.

Table 1: Zoning Equivalency			
Zoning Category	Page Number	Current Zoning District	Previous Zoning District
Agricultural	6	AG Agricultural 43,560 square feet min. lot size	AG Agricultural 43,560 square feet min. lot size
			SF-E Single-Family Residential Estate 43,560 square feet min. lot size
Residential	7	SF-20.0 Single-Family Residential 20,000 square feet min. lot size	SF-20.0 Single- Family Residential 20,000 square feet min. lot size
	8	SF-14.5 Single-Family Residential 14,500 square feet min. lot size	SF-14.5 Single- Family Residential 14,500 square feet min. lot size
	9	SF-12.0 Single-Family Residential 12,000 square feet min. lot size	SF-12.0 Single- Family Residential 12,000 square feet min. lot size
	10	SF-10.5 Single-Family Residential 10,500 square feet min. lot size	SF-10.5 Single- Family Residential 10,500 square feet min. lot size

Table 1: Zoning Equivalency			
Zoning Category	Page Number	Current Zoning District	Previous Zoning District
	11	SF-8.4 Single-Family Residential 8,400 square feet min. lot size	SF-84 Single-Family Residential 8,400 square feet min. lot size
	12	SF-7.2 Single-Family Residential 7,200 square feet min. lot size	SF-72 Single-Family Residential 7,200 square feet min. lot size
			SF-1 Single-Family Residential 7,200 square feet min. lot size
	13	SF-6.0 Single-Family Residential 6,000 square feet min. lot size	SF-60 Single-Family Residential 6,000 square feet min. lot size
			SF-2 Single-Family Residential 6,000 square feet min. lot size
	14	MD Mixed-Density Residential 4,500 square feet min. lot size	SF-Z Single-Family Residential Zero Lot Line 4,500 square feet min. lot size
			SF-TH Single-Family Townhouse 2,700 square feet min. lot size
			TF Two-Family Residential 7,200 square feet min. lot size
			MH-1 Manufactured Home 6,000 square feet min. lot size

Table 1: Zoning Equivalency				
Zoning Category	Page Number	Current Zoning District	Previous Zoning District	
Commercial			MH-2 Manufactured Home Park 5,000 square feet min. lot size	
	15	MF Multifamily Residential	MF-1 Multiple-Family Residential (Medium Density) MF-2 Multiple-Family Residential (High Density)	
	17	C-1 Local Commercial	C-1 Restricted Commercial NC Neighborhood Business	
	18	C-2 Regional Commercial	C-2 General Business C-3 Planned Center O-1 Office	
	19	MU Mixed-Use	CBRD Central Business Redevelopment	
	20	DT Downtown		
	Industrial	22	I-1 Light Industrial	I-1 Light Industrial
		23	I-2 Heavy Industrial	I-2 Heavy Industrial
	Special	24	THOR Thoroughfare Overlay	THOR Thoroughfare Overlay
		24	PD Planned Development	PD Planned Development

(Ordinance 1068-2023-08 adopted 8/22/2023)