

AGENDA
Board of Adjustment



Wednesday, April 23, 2025 @ 6:00 PM

Anna Municipal Complex - Council Chambers
120 W. 7th Street, Anna, Texas 75409

The Board of Adjustment of the City of Anna will meet on Wednesday, April 23, 2025 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 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. Items For Individual Consideration and Public Hearings.

At the time and place of any public hearing held during this meeting, all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance, application, or other proposed item.

a. Approve Minutes of the March 12, 2025, Board of Adjustment Meeting.

b. Conduct a Public Hearing/Consider/Discuss/Action on a variance request regarding Urban Crossing, Block A, Lot 19R (3019 Crossing Way), zoned Single-Family - Large Lot (SF-E), for a variance of 46 feet of encroachment to the structure setback from the right-of-way within the required setback of 125% of the support structure height from public rights-of-way.

6. 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 5:00 p.m. on 04/17/2025.

A handwritten signature in black ink, appearing to read "Lauren Mecke", written over a horizontal line.

Lauren Mecke, Planning Manager

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



Item No. 4.

Board of Adjustment Agenda
Staff Report

Meeting Date: 4/23/2025

Staff Contact:

AGENDA ITEM:
Director's Report.

SUMMARY:

BACKGROUND:

STAFF RECOMMENDATION:

ATTACHMENTS:

MINUTES
BOARD OF ADJUSTMENT
March 12, 2025

The Board of Adjustment of the City of Anna held a meeting at 6:00 p.m. on March 12, 2025, at the Municipal Complex located at 120 W. 7th Street, to consider the following items.

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

The meeting was called to order at 6:10 p.m.

Board Members present were David Colgrove, Jon Hendricks, Elijah Nelms, Edward Culham, Jeffrey Petry, Travis Bates, and Cory Halley. Staff present were Nader Jery, Everett Johnson, Sharon Lopez, Lauren Mecke, Stephanie Scott-Sims, and Bret Wilkinson.

2. Invocation and Pledge of Allegiance.

Board Member Culham gave the invocation and led the 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's 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.

There were no Neighbor comments.

4. Director's Report.

Ms. Scott-Sims reported that the City Council and Planning and Zoning Commission reviewed the comprehensive plan update. The Planning and Zoning Commission will act upon it at the upcoming meeting on March 18 and the City Council will do the same on March 25 meeting. The Planning and Zoning Commission will also consider the adoption of an ordinance which clarifies the definition of a smoke shop and minimum distances between them.

5. Approve Minutes of the January 8, 2025, Board of Adjustment Meeting

A motion was made by Board Member Bates to approve Item 6, seconded by Board Member Nelms. The vote was unanimous in favor.

6. Conduct a public hearing/consider/discuss/action on a variance to the 60-foot vegetative buffer and two-story building setback requirements. DHI Anna, Block A, Lot 1. Zoned Planned Development-Multi-Use (PD-MU)/Restricted Commercial/General Commercial/Multiple-Family Residential - High Density/Single-Family Residential SF-60/Single-Family Residential - Zero lot line/Single-Family Townhome (C-1/C-2/MF-2/SF-60/SF-Z/SF-TH) (Ord. No. 881-2020). (V 25-0001)
Owner: DHIC - Lindsey Place LLC.

Mr. Johnson explained that the 7 D. R. Horton single-family plats that butted up against DHI's 60-foot buffer of their multifamily homes overlapped by 7'. DHI and D. R. Horton came to an agreement to ask for a variance of the 60-foot buffer because changing the single-family plats would make them out of compliance for minimum lot square footage.

Board Member Halley asked if property lines do not move, why had these properties encroached upon buffer. Hayden Moses from DHI explained that the surveys for each property were done a year apart and no one caught the discrepancy until after DHI had finished construction on the apartment buildings and D. R. Horton had completed road construction and plats.

Board Member Hendricks asked why D. R. Horton was not asking for the variance because they were the ones who created the issue. Mr. Moses explained that because DHI owned D. R. Horton, it was just as easy for them to ask for the variance.

Chairman Culham opened a Public Hearing at 6:37 p.m. The Public Hearing was closed at 6:37 p.m.

A motion was made by Board Member Bates and seconded by Board Member Petry to approve the variance. The vote was unanimous in favor. The motion passed.

7. Adjourn.

The meeting was adjourned at 6:38 p.m.

Chairman Edward Culham

ATTEST:

Stephanie Scott-Sims
Director of Development Services



Item No. 5.b.

Board of Adjustment Agenda
Staff Report

Meeting Date: 4/23/2025
Staff Contact: Lauren Mecke

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a variance request regarding Urban Crossing, Block A, Lot 19R (3019 Crossing Way), zoned Single-Family - Large Lot (SF-E), for a variance of 46 feet of encroachment to the structure setback from the right-of-way within the required setback of 125% of the support structure height from public rights-of-way.

SUMMARY:

The applicant is requesting a variance of the setback from the R.O.W. by a reduction of 46 feet from 150 feet to 104 feet.

BACKGROUND:

Within Section 9.04.037 (Infrastructure Use-Specific Standards) of Article 9.04 (Zoning Ordinance), the regulations define the setback of a Radio, TV, or Microwave Operations, Commercial (Communications Tower) as 125 percent (125%) of the height of the support structure.

Sec. 9.04.037. Infrastructure Use-Specific Standards

- (b) Radio, TV, or Microwave Operations, Commercial.*
 - (4) General Requirements.*
 - (G) Setback, Separation, and Screening of Ground Equipment Requirements.*
 - (ii) Support structures, except for network node poles, must be set back a minimum of 125 percent of the support structure height from public rights-of-way.*

As shown in the attached elevation, the support structure will be 120 feet in height with a required setback of 150 feet.

The applicant's request and layout show the distance from the center of the support structure to the Rosamond Parkway right-of-way as 104'-3". The applicant has also provided a fall radius letter. This letter provides justification that the structure will meet the intent of the setback in a failure of the structure were to occur and would not fall into the right-of-way.

Surrounding land uses

Direction	Land Use	Zoning
North &	Two Single-Family Detached	SF-E

West	Dwellings and one Vacant lot	
East	Vacant lot	Planned Development (Liberty Hills)
South	Rosamond Parkway - 120' right-of-way and vacant land within the 170' Texas Power & Light Company easement	Planned Development (Villages of Hurricane Creek - North)

Within Section 9.04.053 (Relief Procedures) of Article 9.04 (Zoning Ordinance), the Board of Adjustment shall hold a public hearing and use the following criteria to make their determination:

Sec. 9.04.053 Relief Procedures

(a) Variances.

(6) Approval Criteria. The Board of Adjustment shall not approve a variance unless it finds that:

(A) The variance is not contrary to the public interest, and

(B) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and

(C) The spirit of the varied provision is observed and substantial justice is done.

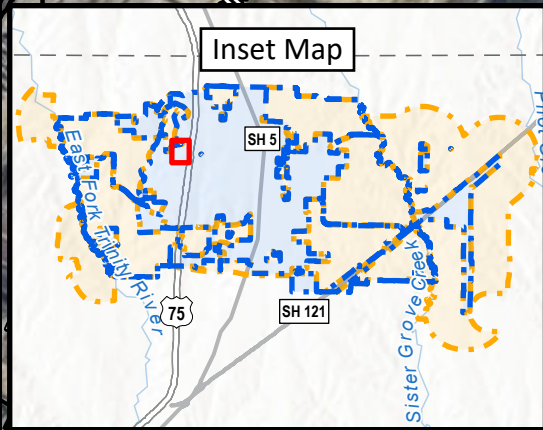
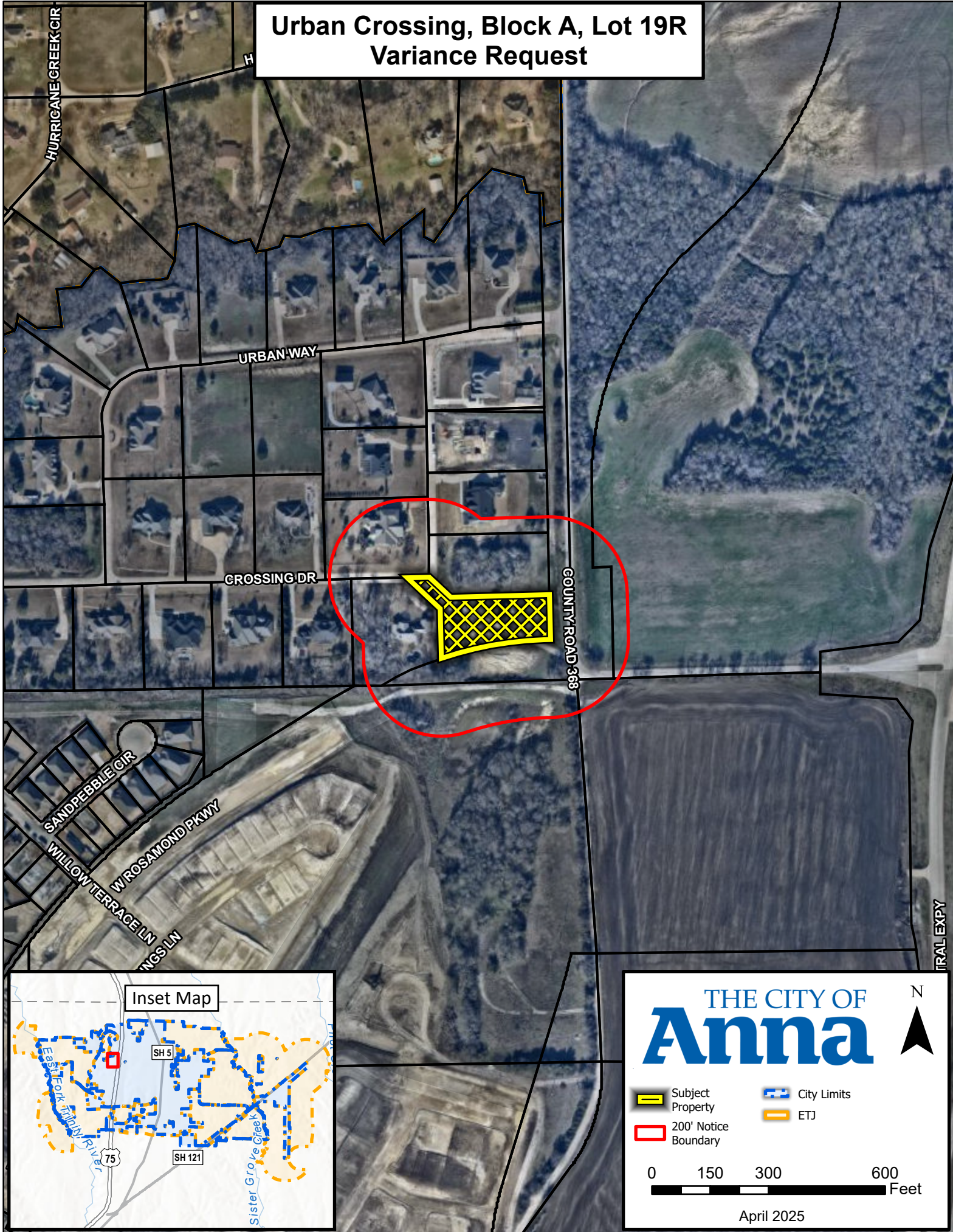
STAFF RECOMMENDATION:

The Board shall consider the facts of the case to determine if the variance should be granted.

ATTACHMENTS:

1. Locator - Urban Crossing, Block A, Lot 19R
2. Applicant's Variance Request - Urban Crossing, Block A, Lot 19R
3. Elevation - Urban Crossing, Block A, Lot 19R
4. Site Layout - Urban Crossing, Block A, Lot 19R
5. Fall Radius Letter - Urban Crossing, Block A, Lot 19R

Urban Crossing, Block A, Lot 19R Variance Request



THE CITY OF
Anna

Legend:
Subject Property (Yellow cross-hatch)
200' Notice Boundary (Red circle)
City Limits (Blue dashed line)
ETJ (Orange dashed line)

Scale: 0 150 300 600 Feet

April 2025

VARIANCE REQUEST

Application: Variance from Public Right-of-Way Setback of 125% of Antenna Support Structure Height in Zoning Ordinance Section 9.04.037(b)(4)(G)(ii)

Applicant: Hemphill, LLC

Hemphill Site Name: 1781 Fitzhugh

Project: 120' monopole commercial antenna support structure with 10' lightning rod

Project Area: A 2,445 sq ft (.0561 acre) leased portion of Lot 19, Block A of the Urban Crossing Plat

Property Address: 3019 Crossing Drive, Anna, TX 75409

Property ID: 2700407

Geographic ID: R-9650-00A-019R-1

Related Specific Use Permit Application: SUP 25-0003

Property Owner: Urban Crossing Homeowners Association

Introduction

Hemphill, LLC is proposing a 120' 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"). The leased project area is 2,445 sq ft (.0561 acre). 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. 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. The HOA voted 25-2 to approve this project on the parcel at an HOA meeting on February 20, 2024.

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. This site tower is to be removed and the antennas transferred to the proposed Hemphill monopole.

This parcel is zoned SF-E Single-Family Residential Estate – Large Lot under the previous zoning ordinance. City of Anna Code of Ordinances Section 9.04.03(b)(4)€ 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". On November 13, 2024, the City of Anna Board of Adjustment found that this prohibition did not apply to the subject parcel because the lot is not used or platted for residential purposes and that the applicant is not prohibited from seeking a Specific Use Permit (Board of Adjustment Order 2024-002).

In the course of reviewing our Specific Use Permit application for this project (SUP 25-0003), planning staff pointed out that the distance from the public right-of-way for the future Rosamond Parkway/County Road 370 extension to the south does not meet the required setback from a public right-of-way required by City of Anna Zoning Ordinance Section 9.04.037(b)(4)(G)(ii). This Variance application seeks relief from that requirement to allow the distance as drawn (104'-3" from tower center to the public right-of-way) rather than the 150' required by the ordinance.

Variance Requested

City of Anna Zoning Ordinance Section 9.04.037(b)(4)(G)(ii) contains the following setback requirement from public rights-of-way:

(ii) Support structures, except for network node poles, must be set back a minimum of 125 percent of the support structure height from public rights-of-way.

As shown in the elevation view on Sheet C3-1 of the drawings provided, this monopole commercial antenna support structure will be 120’ high, so the required public right-of-way setback distance is 150’ (125% of 120’).

However, as shown on Sheet C1-4 of the drawings, the center of the monopole commercial antenna support structure is 104’-3” from the public right-of-way for the future Rosamond Parkway/County Road 370 extension.

Consequently, applicant Hemphill, LLC seeks a variance from the 150’ public right-of-way setback required by Section 9.04.037(b)(4)(G)(ii) to allow construction as drawn.

Difficulty/Hardship

City of Anna Zoning Ordinance Section 9.04.074(e) authorizes the Board of Adjustment to grant variances from the requirements of the ordinance.

In this case, the unique shape and size of the lot presents an unusual and practical difficulty/hardship preventing compliance with the 150’ public right-of-way setback required by Section 9.04.037(b)(4)(G)(ii).

The lease area for this project is tightly wedged between the north property line and the current construction access drive for the subdivision and hemmed in by HOA subdivision easements and building setback lines to the west and the Texas Power & Light Company (TXU Energy) utility easement to the east. Survey Sheet 1 on the second page of the drawings shows the size and shape of the parcel as well as the existing easements and rights-of-way that constrain this site. Further measurements are included on Sheet C1-4. Because of the parcel’s unique size and shape, there is not any location on the parcel that can meet a 150’ setback from the public right-of-way for the future Rosamond Parkway/County Road 370 extension.

Public Interest/Impact

This site is needed to address urgent community need for better service from both coverage and capacity standpoints. Documentation from Verizon Wireless regarding the need for has been provided as part of the SUP application. Also, residents of the Urban Crossing subdivision have previously testified to the Board of Adjustment regarding the poor service in their homes and the difficulties in personal and business communication as well as their concern for their safety in emergency situations.

This site will not just address Verizon’s service to this community, it will also be essential infrastructure for future providers to serve this community as well. As shown on Sheet C3-1 of the drawings provided, the proposed tower is designed to accommodate three additional future providers at centerlines of 103’, 91’, and 79’ as well as antennas from the nearby internet service provider tower to be removed.

Improved wireless service in this area is not just a matter of convenience, it is critical to public health, safety, and general welfare. The service provided by this facility will provide emergency information such as amber alerts, weather alerts, radar information and other information and instructions during emergencies. It will support 911 calls (most of which are made from wireless devices) in the event of accident, health crisis, fire, natural disaster, or other emergency.

Granting the requested variance will not have a negative impact on the public right-of-way for the future Rosamond Parkway/County Road 370 extension. To ensure this, the monopole commercial antenna support structure will be designed to have a 0' fall radius as shown by the fall radius letter provided from Professional Engineer Jason Lambert.

Comparatively, the existing Texas Power & Light Company (TXU Energy) transmission tower on the parcel is much closer to County Highway 368 and the power lines cross over the public right-of-way for the future Rosamond Parkway/County Road 370 extension.

Conclusion

Based on the unique size and shape of the lot preventing compliance, the public interest served by this project, and the lack of negative impact on the public right-of-way for the future Rosamond Parkway/County Road 370 extension, applicant respectfully requests approval of a Variance from the 150' public right-of-way setback required by Section 9.04.037(b)(4)(G)(ii).

Respectfully submitted,



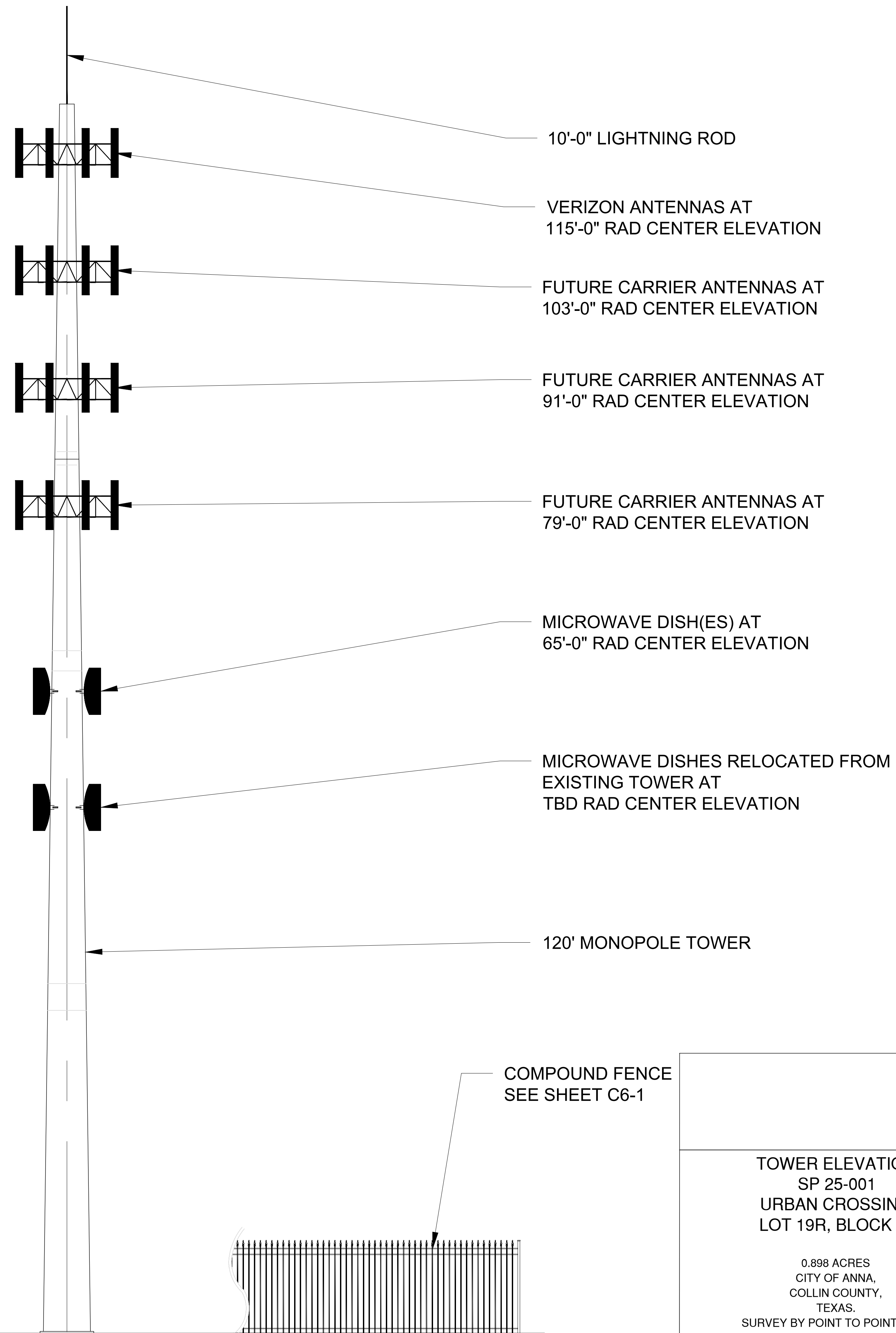
Faulk & Foster, by Ralph Wyngarden, for Applicant Hemphill, LLC

Date: 3/14/2025

130'-0" TOTAL HEIGHT WITH APPURTENANCES

120'-0" TOP OF TOWER

THESE DRAWINGS ARE NOT INTENDED TO REFLECT THE STRUCTURAL INTEGRITY OF THE TOWER. THE PROPOSED ANTENNAS AND TRANSMISSION LINES SHOWN ARE REPRESENTATIVE IN NATURE AND DO NOT REFLECT THE ACTUAL CONFIGURATIONS REQUIRED. THE CONTRACTOR SHALL REFER TO THE STRUCTURAL ANALYSIS OF THIS TOWER SITE FOR THE APPROVED LOCATION AND CONFIGURATION OF ALL ANTENNAS AND TRANSMISSION LINES. ALL ANTENNAS MUST BE MOUNTED AND THE TRANSMISSION LINES CONFIGURED IN STRICT ACCORDANCE WITH THE STRUCTURAL ANALYSIS.



10'-0" LIGHTNING ROD

VERIZON ANTENNAS AT 115'-0" RAD CENTER ELEVATION

FUTURE CARRIER ANTENNAS AT 103'-0" RAD CENTER ELEVATION

FUTURE CARRIER ANTENNAS AT 91'-0" RAD CENTER ELEVATION

FUTURE CARRIER ANTENNAS AT 79'-0" RAD CENTER ELEVATION

MICROWAVE DISH(ES) AT 65'-0" RAD CENTER ELEVATION

MICROWAVE DISHES RELOCATED FROM EXISTING TOWER AT TBD RAD CENTER ELEVATION

120' MONOPOLE TOWER

COMPOUND FENCE SEE SHEET C6-1

TOWER ELEVATION
SP 25-001
URBAN CROSSING
LOT 19R, BLOCK A.

0.898 ACRES
CITY OF ANNA,
COLLIN COUNTY,
TEXAS.
SURVEY BY POINT TO POINT LAND
SURVEYORS DATED 05/08/25

ABSTRACT NAME: URBAN CROSSING



HEMPHILL®

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200



SPECIALTY TELECOMMUNICATIONS SERVICES, LLC
13431 BROADWAY EXT., SUITE
120, OKLAHOMA CITY, OK 73114
405-753-7167

PROJECT NO: 1781

PROJECT NAME: FITZHUGH

911 ADDRESS: TBD CR 368, ANNA, TX 75409

DRAWN BY: RS

CHECKED BY: RGH/MK/SLT

PROPERTY OWNER: URBAN CROSSING HOA

OWNER ADDRESS PO BOX 384 ANNA, TX 75409-00384

OWNER CONTACT NAME: STEVE S.

OWNER PHONE #: 214-244-1541

ISSUED FOR:

APPROVAL

REV	DATE	DESCRIPTION
0	03/13/25	FOR APPROVAL

ETHAN T. VAN METER
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 149870
FIRM NO.: F-16740

SCALE

N.T.S.

TOWER ELEVATION

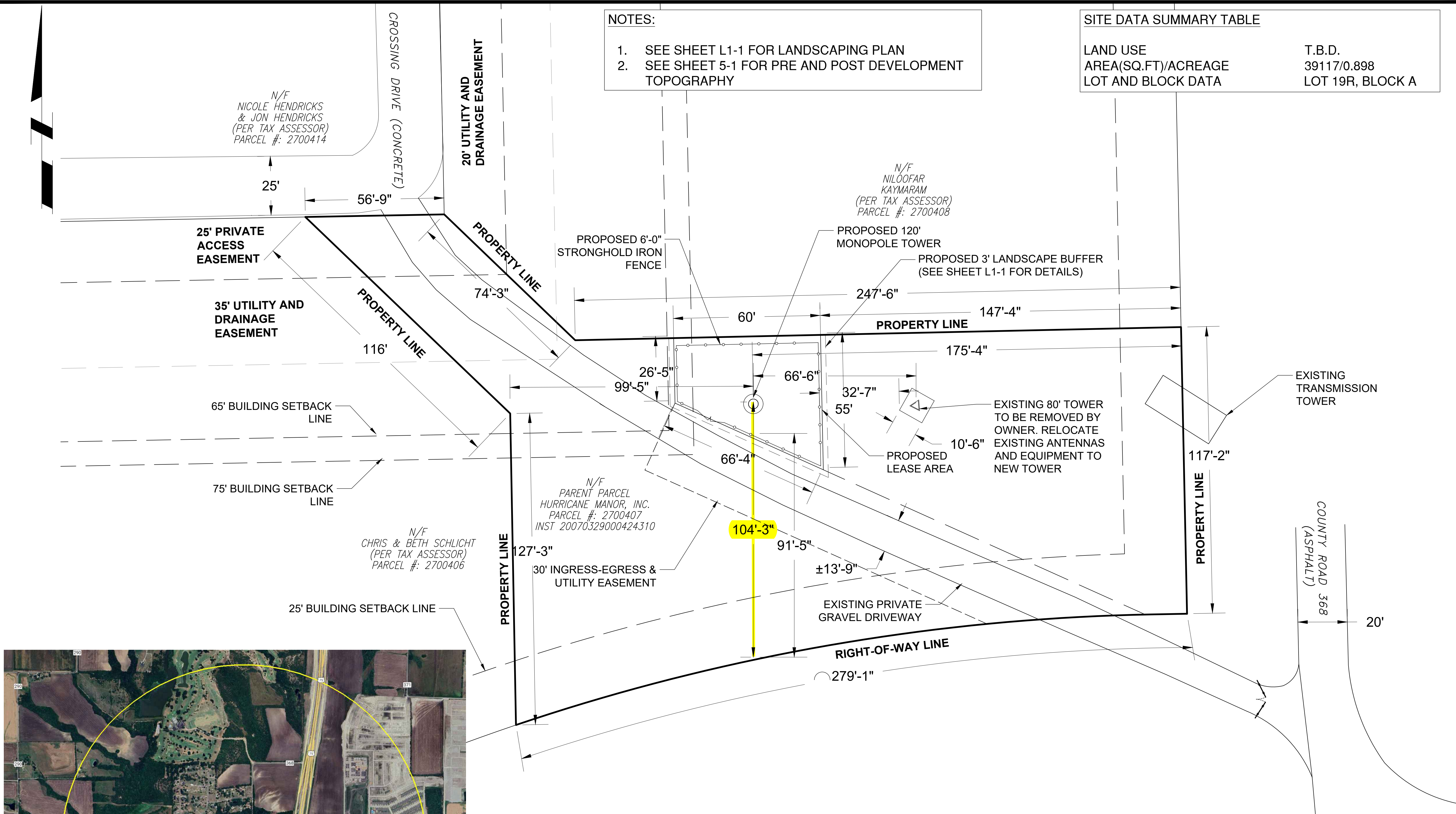
SHEET NUMBER: REVISION:

C3-1

0

NOTES:
 1. SEE SHEET L1-1 FOR LANDSCAPING PLAN
 2. SEE SHEET 5-1 FOR PRE AND POST DEVELOPMENT TOPOGRAPHY

SITE DATA SUMMARY TABLE	
LAND USE	T.B.D.
AREA(SQ.FT)/ACREAGE	39117/0.898
LOT AND BLOCK DATA	LOT 19R, BLOCK A



1 MI. RADIUS VICINITY MAP (NOT TO SCALE)



OVERALL SITE PLAN
 SP 25-001
 URBAN CROSSING
 LOT 19R, BLOCK A.

0.898 ACRES
 CITY OF ANNA,
 COLLIN COUNTY,
 TEXAS.
 SURVEY BY POINT TO POINT LAND
 SURVEYORS DATED 05/08/25
 ABSTRACT NAME: URBAN CROSSING



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 OKLAHOMA CITY, OK 73114
 405-753-7167

PROJECT NO:	1781
PROJECT NAME:	FITZHUGH
911 ADDRESS:	TBD CR 368, ANNA, TX 75409
DRAWN BY:	RS
CHECKED BY:	RGH/MK/SLT

PROPERTY OWNER	URBAN CROSSING HOA
OWNER ADDRESS	PO BOX 384 ANNA, TX 75409-00384
OWNER CONTACT NAME	STEVE S.
OWNER PHONE #	214-244-1541

ISSUED FOR:
APPROVAL

REV	DATE	DESCRIPTION
0	03/13/25	FOR APPROVAL

ETHAN T. VAN METER
 PROFESSIONAL ENGINEER - TEXAS
 REGISTRATION NO.: 149870
 FIRM NO.: F-16740

SCALE
 1"=20'

OVERALL SITE PLAN

SHEET NUMBER:	REVISION:
C1-4	0



N E L L O

1201 S Sheridan St
South Bend, IN 46619

Phone: 574-288-3632
Fax: 574-288-5860
www.nelloinc.com

January 12, 2025

Hemphill
1350 North Louisville
Tulsa, OK, 74115

Re: Nello Tower Fall Radius – Nello 125' NTP Pole Tower
Project Name: 1781 Fitzhugh / (33.363511, -96.588172)
Nello Job #: RFQ

To Whom It May Concern:

This letter is regarding your inquiry about the expected performance of your proposed tower designed by Nello Corporation based on site-specific criteria.

Our towers are designed to meet or exceed industry standards defined by TIA-222-G, “Structural Standards for Antenna Supporting Structures and Antennas” (TIA Standard). It is our opinion that the possibility of a tower collapse is very unlikely. The tower is designed using extreme wind and ice conditions. In fact, wind speeds specified by the TIA Standard are 50-year wind speeds. That is, they have only a 2% statistical chance of occurring in any given year.

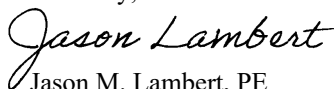
This tower will be designed using the following wind conditions as a minimum: a 106 mph 3-second gust wind speed with no ice and a 30 mph 3-second gust wind with .75” ice. The TIA Standard specifies 106 mph as the wind speed required for Collin County, TX. The “3-second gust wind speed” refers to a wind measured at 33 feet above the ground. Equations in the TIA Standard take into account that wind speed escalates with increasing height of the tower.

Although we cannot guarantee exactly how a tower would fall if it were to fail, the most likely mode of failure would be a buckling failure of one of the tower sections due to excessive wind loading. Nello will design the tower to stay within a fall radius of 0 feet based on design stress levels in accordance with the TIA-222-G Standard and the currently adopted IBC.

The fall radius statement above assumes proper foundation construction and tower installation. The foundation design should be reviewed to ensure that no foundation limit state governs the entire structural system and negates the fall radius design. The fall radius expectancy requires that the foundation be designed with a capacity greater than that of the tower capacity. If the foundation design used in association with this tower is performed by a third party then Nello must be provided the opportunity to review the design in order to confirm that the fall radius remains satisfactory. If for some reason Nello does not provide the tower design or is not given the opportunity to design or review the foundation for this specific project then the content of this letter becomes void.

If you have any other questions or concerns regarding the design of your site-specific tower, please contact our engineering or sales department.

Sincerely,



Jason M. Lambert, PE
Vice President of Engineering