

**MINUTES
PLANNING AND ZONING COMMISSION
MARCH 15, 2021**

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on March 15, 2021, at the Anna ISD Board Room located at 201 E. 7th Street, to consider the following items.

1. Call to Order and Establishment of Quorum

The meeting was called to order at 7:07 pm.

Commissioners present were Latoya Grady, Brent Thomas, Wayne Barton, Chairman Alonzo Tutson, and Nick Rubits. Commissioner Donald Henke arrived at 7:13 pm during item 9. Duane Hayes was absent. Staff present was Ross Altobelli, Kevin Johnson, and Lauren Mecke.

2. Invocation and Pledge of Allegiance

Vice-Chair Barton gave the invocation and led the Pledge of Allegiance.

3. Citizen Comments: At this time, any person may address the Planning and Zoning Commission regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

There were no citizen comments.

4. Location Map

Consent Items

A motion was made by Commissioner Thomas, seconded by Commissioner Grady to recommend approval of consent items 5 through 7. The vote was unanimous.

5. Consider/Discussion/Action on a recommendation regarding the Villages of Hurricane Creek, Phases 1B, 2 and 3, Revised Preliminary Plat. Applicant: CADG Hurricane Creek, LLC
6. Consider/Discuss/Action on a recommendation regarding the Buzz Center Addition, Block A, Lot 1 and 2, final plat. Applicant: Dr. Uma Chintapalli.
7. Consider/Discuss/Action on a recommendation regarding the Buzz Center Addition, Block A, Lot 1 and 2, site plan. Applicant: Dr. Uma Chintapalli.

Items for Individual Consideration

Chairman Tutson amended the order of the agenda so that items 9 and 10 were presented before item number 8.

8. Conduct a Public Hearing/Review/Discuss/Action on a recommendation regarding the request to amend Ordinance No. 2002-34, referred to as Planned Development No. 08-2002 (PD # 08-2002) and commonly known as Lakeview Estates Phases 1 & 2, 51± acres located on the east side of Ferguson Parkway, 186± feet north of Taylor Boulevard. The request is to allow the additional use of Registered Family Home by specific use permit. Applicant: City of Anna

Ms. Mecke gave a brief presentation.

The public hearing was opened at 8:25 pm.

Vice-Chair Barton clarified that this request is to allow registered family as an additional use. Mr. Altobelli stated that if the Commission chooses to approve the request that they could also issue a specific use permit to the homeowner who initiated this conversation. Ms. Mecke stated that the Commissioners had a letter from the property owner.

Commissioner Henke stated that 6 cars is not a huge impact since the cars are dropping off and picking up but not staying.

Vice-Chair Barton asked how the state observes and monitors registered family homes. Mr. Altobelli stated that staff has not had that experience but feel that having it by specific use permit gives neighbors an additional layer of protection.

Commissioner Rubits asked about the Homeowners Association. Ms. Mecke stated that she provided all of the information to a member of the HOA as well as the builders of Phase 3. Mr. Altobelli reminded the Commission that city staff does not regulate or enforce HOA covenants.

Commissioner Grady felt that it was burdensome that a property owner has to request to provide childcare within their home. Commissioner Rubits rebutted that the city has several new daycares and has concerns about a business operating in a neighborhood. Commissioner Grady continued that especially being in the COVID-19 pandemic, that there are many people who do not want their children attending daycares and may want more individualized attention.

Chairman Tutson called the first speaker:

Chris Turner – 1242 Lakeview Drive – stated that her family does not want a daycare within their neighborhood. Shift workers in her neighborhood that require sleep during the day as well as issues with congestion at the mailbox. Concerned that letting in one business would encourage additional businesses.

Mr. Altobelli clarified that the applicant in this case is the city because city council called the public hearing to allow the procedure to move forward.

Chairman Tutson stated concern about legal ramifications by not allowing the use. Mr. Altobelli stated that the city has the right to limit uses and that a specific use permit allows each applicant to state their case.

Commissioner Henke stated that he liked how the City of Plano limited the number to 8 children. Commissioner Grady pointed out that Ms. Goode, the resident wanting to open a registered family home, was stating she was only looking to watch 4 or 5 children.

Commissioner Rubits asked about the process of specific use permits. Mr. Altobelli, Commissioner Henke, and Vice-Chair Barton explained that the purpose and process of a specific use permit.

Commissioner Rubits questioned why the zoning ordinance specifically does not allow the use. Ms. Mecke clarified that the city's original 1986 zoning ordinance did not clearly define a daycare center nor in-home daycare; it only state that a daycare center was not permitted as an in-home occupation. Commissioner Rubits asked if that was the zoning ordinance in place at the time. Ms. Mecke responded in the affirmative it was the zoning ordinance in place in 2002 when the planned development was created.

Commissioner Rubits stated that he does not believe that businesses should be within a neighborhood.

Ms. Mecke stated that there were 7 letters in opposition, 6 letters in favor, and one neutral letter in response to this zoning request.

Chairman Tutson asked to look at the slide with other communities. Commissioner Thomas asked for clarification. Ms. Mecke stated that for single-family dwellings, other cities allow the use by right. She also stated that some cities have additional design standards.

Commissioner Rubits asked if City Council could amend the Planning & Zoning Commissions recommendation. Mr. Altobelli said yes.

Mrs. Turner asked if this would make their neighborhood different from other neighborhoods. Mr. Altobelli stated yes, initially because it would require an additional public hearing to amend the zoning ordinance and other planned developments.

Mr. Turner – 1242 Lakeview Drive – asked why the particular address deserves to be granted a specific use permit. Commissioner Thomas responded that this property owner is the one who asked and that individual properties are reviewed on their own merit. Vice-Chair Barton followed with this decision is not saying that it is the best location nor master comprehensive plan; more if it is a good or bad idea. Commissioner Thomas added that he thinks it is a good idea to regulate by specific use permit. Mr. Turner clarified if this would open the flood gates to allow anyone who asks to open an in-home daycare. Commissioners Thomas and Barton responded that precedence is not set. Commissioner Henke stated that by limiting the number of children, it will help alleviate traffic and would not incentivize others to open more daycares.

The Commissioners thanked Mr. and Mrs. Turner for coming to speak.

The Commissioners discussed when a specific use permit would expire. Mr. Altobelli clarified that SUP's typically run with the land or the Commission could add the stipulation to limit it to the property owner.

Chairman Tutson asked to see the permitted uses. Ms. Mecke stated that a community center, park or home occupation would be allowed by right and libraries, bed and breakfast facility, and rest home are allowed by specific use permit. He asked about religious facilities. Ms. Mecke stated that a supreme court case has made it so that cities cannot regulate land use of churches with exception to parking and that the current zoning ordinance does need to be updated to reflect that. Mr. Altobelli added after the comprehensive plan is adopted that there will be a detailed look at the Planning regulations.

The public hearing was closed at 9:06 pm.

A motion was made by Vice-Chair Barton, seconded by Commissioner Henke, to recommend approval to allow registered family home by specific use permit with the stipulation that it shall not extend beyond the property owner who obtains the specific use permit, the property owner must maintain a current license from the state and certificate of occupancy from the City of Anna and issue a specific use permit for 1225 Bridgeport with the stipulation of a maximum number of children limited to 5. The vote was in favor of approval 5-1, with Commissioner Rubits in opposition.

9. Conduct a Public Hearing/Review/Discuss/Action on a recommendation regarding the request to zone 27.8± acres located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5) to Single-Family Residential District (SF-72). The property is currently located in the extraterritorial jurisdiction (ETJ) and the applicant has submitted an annexation petition. Applicant: Kenneth O'Neal and Kathyene Boring

Ms. Mecke gave a brief presentation. The purpose for this zoning request is to establish the zoning for property that has a petition for annexation.

The public hearing was opened at 7:13 pm.

Commissioner Barton clarified staff's recommendation. Staff recommended approval subject to the approval of the annexation by City Council.

Commissioner Thomas inquired if there were anything unusual in the review of this request. Ms. Mecke stated that that because the applicant is requesting an existing zoning district that this is a routine review.

The public hearing was closed at 7:14 pm.

Commissioner Rubits asked where the limits of the city in relation to this site are. Ms. Mecke clarified that the western property boundary is the current city limits.

A motion was made by Commissioner Grady, seconded by Commissioner Thomas, to recommend approval of SF-72 zoning upon annexation. The vote was in favor of approval 5-0-1, with Commissioner Henke abstaining.

10. A) Conduct a Public Hearing/Review/Discuss/Action on a recommendation regarding the request to amend Planned Development-843-2020. Applicant: Anna 21, LLC.

Ms. Mecke gave a brief presentation. The applicant is requesting to amend the planned development to allow 4-story buildings, reduce the number of required parking, and reduce the amount of required covered parking.

John Hickman, the applicant representative, gave a brief presentation.

The public hearing was opened at 7:26 pm.

Commissioner Henke asked if there was a new owner. Commissioner Barton stated that the current property owner is a local developer who gets the zoning in place to sell properties to builders. Mr. Altobelli clarified that the development agreement for materials standards runs with the property and not the ownership.

Commissioner Rubits asked about how the regulations define height currently. Mr. Altobelli stated to the average height of the roof and that the concern about height was so that residents in the western neighborhood would have their privacy by the tree line.

Commissioner Rubits also was concerned about the parking ratio and asked the number of units the applicant intends to build. The applicant stated 300 units. Commissioner Rubits was concerned that there would not be enough parking. Mr. Altobelli stated they would be required to provide 75 guest parking spaces.

Vice-Chair Barton took issue with the measurement of the height and changing the measurement for this site. He also stated his concerns with the parking.

Commissioner Thomas asked the applicant, what is the compelling reason for the change that would benefit the residents. The applicant responded that this is going to be a quality product of workforce housing. Commissioner Thomas clarified, how would the project be affected if the request was not approved. The applicant stated that they would only be able to construct about 200 units.

Commissioner Henke pointed out that the concept plan shows sufficient parking and was not sure why the applicant would need a parking reduction. The applicant responded that there are other factors such as the floodplain that would affect.

Chairman Tutson stated that Commissioner Barton and Commissioner Thomas's comments summed up his thoughts. He asked the applicant to clarify the income for this workforce housing. The applicant stated that the average is 60% of the area median income which would serve professions such as teachers, police, and retail workers. Commissioner Tutson was also concerned about the parking. He also asked about the distance between the nearest single-family. The applicant stated 400 feet.

Mr. Altobelli clarified that if the Planning & Zoning Commission denied the applicant's request, the applicant could still proceed to City Council and would require a 3/4 majority vote to overturn Planning and Zoning Commission's recommendation.

Don Collins, property owner, spoke about his experience with the site and covered parking in the City of Anna.

Chairman Tutson asked the applicant to clarify the tax credits percentage. The applicant stated 4%.

Mr. Altobelli stated that the Palladium, the only existing multiple-family residences in the city, does have reduced parking for studio and 1-bedroom units and is at 60% covered parking.

Vice-Chair Barton asked additional questions about parking and concerns about the measurement of the building.

Commissioner Rubits asked about height restrictions for other approved multiple-family. Ms. Mecke responded with height information from other planned developments.

Commissioner Henke suggested amending the request to setback the height from the western property boundary.

Mr. Collins came back to discuss the measurements from the adjacent single-family.

Mr. Altobelli read the definition of height measurement. Commissioner Henke suggested a 100-foot buffer from the western property boundary.

Commissioner Rubits asked about the property line. Mr. Collins stated that the property line is the center of the creek. Commissioner Rubits was concerned about tree removal. Mr. Altobelli stated that the trees in floodplain would have to be preserved.

Commissioner Grady stated her appreciation for a proposed workforce housing, and it is needed in Anna.

The public hearing was closed at 8:13 pm.

A motion was made by Commissioner Henke, seconded by Commissioner Grady to recommend approval of the zoning with the following stipulations:

- A 100-foot setback for 4-story buildings from the western property boundary, within the 100-foot setback the maximum height of 3-story; 45 feet;
- 55 feet for the maximum building height of 4-story;
- Minimum parking: 1.75 spaces per dwelling unit plus 0.25 spaces per dwelling unit for visitor and
- 50% minimum covered parking.

The vote was in favor of approval 5-1, with Vice-Chair Barton in opposition.

B) Consider/Discuss/Action on a recommendation regarding the Waterview, Block A, Lot 1, Revised Concept Plan. Applicant: Anna 21, LLC.

A motion was made by Commissioner Grady, seconded by Commissioner Thomas to recommend approval of the revised concept plan. The vote was in favor of approval 5-1, with Vice-Chair Barton in opposition.

Adjourn

A motion was made by Commissioner Rubits, seconded by Commissioner Thomas to adjourn the meeting. The vote was unanimous. The meeting adjourned at 9:09 pm.



Alonzo Tutson
Planning and Zoning Commission Chairman

ATTEST: _


