



AGENDA
PLANNING AND ZONING COMMISSION
MONDAY, JULY 6, 2020 @ 7:00 P.M.

The Planning and Zoning Commission of the City of Anna will hold a meeting at 7:00 p.m. on Monday, July 6, 2020, at the Anna City Hall located at 111 North Powell Parkway, to consider the following items.

1. **Call to Order and Establishment of Quorum**
2. **Invocation and Pledge of Allegiance**
3. **Neighbor Comments:** At this time, any person may address the Planning & Zoning Commission regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to 3 minutes to speak. We are encouraging neighbors who wish to have their comments included, e-mail Planner II Lauren Mecke (LMECKE@annatexas.gov) by July 6, 2020, no later than 5:00 PM so it may be read into the record.

No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

4. **Location Map**

Planning & Zoning Annual Organizational Review

5. Planning & Zoning Commission Training. (City Attorney)
6. Annual Planning & Zoning Commission Review.
 - A) Elect a Planning & Zoning Commission Chairman.
 - B) Elect a Planning & Zoning Commission Vice-chairman.
 - C) Elect a Planning & Zoning Commission Secretary.
 - D) Review/Discuss/Action on additional items as necessary.

Consent Items

7. Consider/Discuss/Action on a recommendation regarding the G2 Motorsports Park Addition, Block A, Lot 1, Development Plat. **Applicant: Cecil A. Cheshier, P.E.**
8. Consider/Discuss/Action on a recommendation regarding The KCM Addition, Block A, Lot 1, Development Plat. **Applicant: David Surdukan**
9. Consider/Discuss/Action on a recommendation regarding the Mangum Addition, Block A, Lots 1 and 2, Final Plat. **Applicant: David Surdukan**

10. Consider/Discuss/Action on a recommendation regarding the Pecan Grove, Phase II, Amending Plat. **Applicant: Pecan Grove Phase II Ltd**
11. Consider/Discuss/Action to approve the minutes from the June 5, 2020 Planning & Zoning Commission meeting.

Public Hearing Items

12. A) Conduct a public hearing regarding the Anna Crossing, Phase 7, Block 3, Lots 1R – 5R, Replat.
Applicant: Bannister Engineering

B) Consider/Discuss/Action on a recommendation regarding the Anna Crossing, Phase 7, Block 3, Lots 1R – 5R, Replat.

After Public Hearing Items

13. Consider/Discuss/Action on a recommendation for an alternative screening material. **Applicant: David Cox**

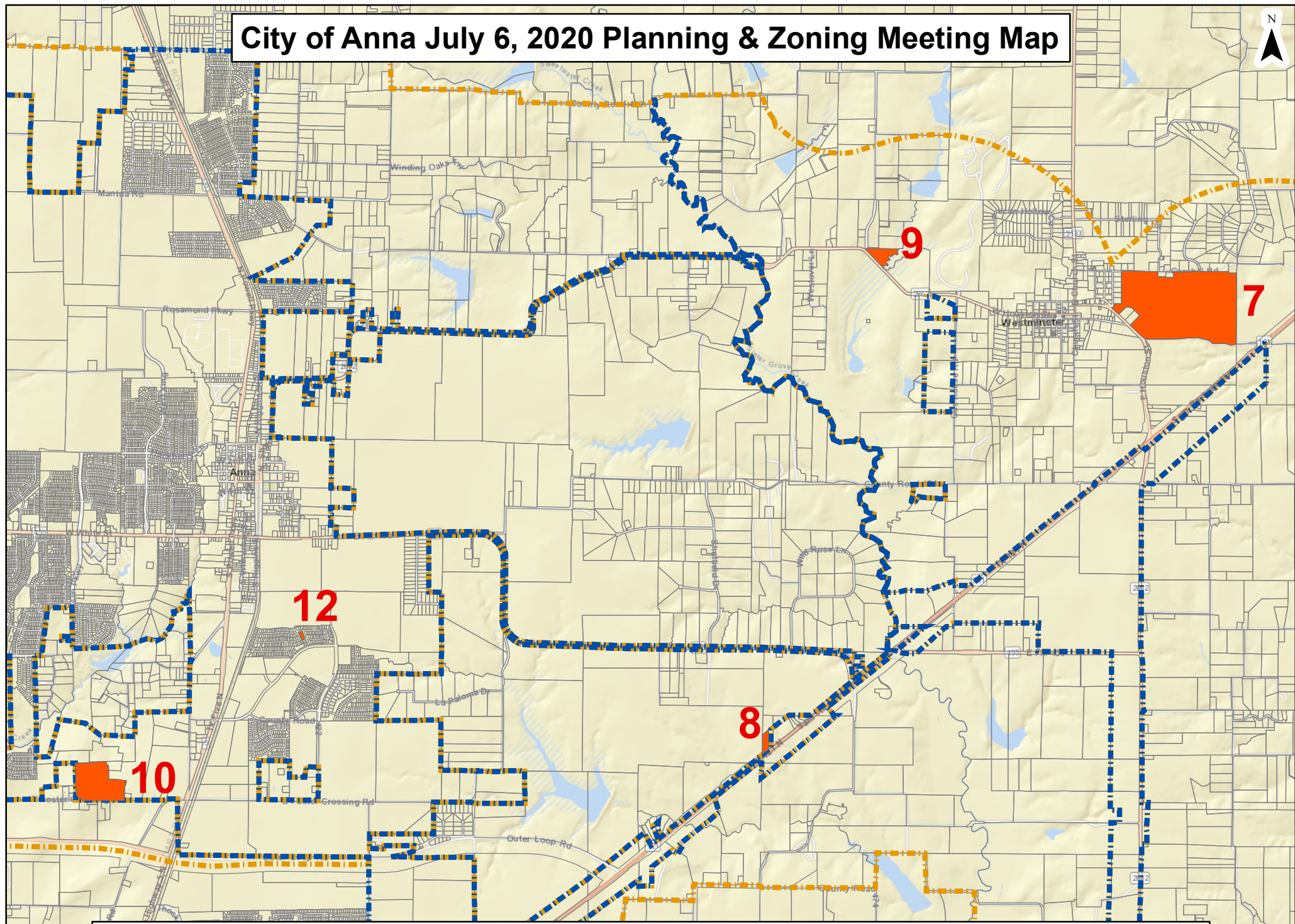
Adjourn

This is to certify that I, Ross Altobelli, Director of Development Services, verify that this agenda was posted at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 7:00 p.m. July 2, 2020.



Ross Altobelli
Director of Development Services

City of Anna July 6, 2020 Planning & Zoning Meeting Map



 Agenda Items

 City Limits

 ETJ

 Parcels

0

0.75

1.5

3

Miles

CITY OF ANNA
PLANNING & ZONING
July 6, 2019

Agenda Item No. 5 & 6
Annual Planning & Zoning Commission Review

AGENDA ITEM:

- 5. Planning & Zoning Commission Training
- 6. Annual Planning & Zoning Commission Review
 - A) Elect a Planning & Zoning Commission Chairman
 - B) Elect a Planning & Zoning Commission Vice-Chairman
 - C) Elect a Planning & Zoning Commission Secretary
 - D) Review/Discuss/Action on additional items as necessary

SUMMARY:

Agenda Item No. 5 – City Attorney will conduct a training session for the new appointed and existing Planning and Zoning Commission members.

Agenda Item No. 6 – In accordance with Article 9 *Planning & Zoning Commission* of the City of Anna Charter and Section 9.04.041 *Planning and Zoning Commission* of the Code of Ordinances, the Planning & Zoning Commission must annually receive training, elect a Commission chairman, vice-chairman, and secretary, and review procedures as necessary.

Staff may be elected as the Commission Secretary to maintain the meeting minutes.

ATTACHMENTS:

Planning & Zoning Commission Training Materials

2020 Calendar

2021 Holidays

2021 Draft Calendar

CITY OF ANNA, TEXAS

ORDINANCE NO. 777-2018

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, ADOPTING GENERAL STANDARDS OF ETHICS; CONFLICTS OF INTEREST AND RELATED DISCLOSURES; GIFTS AND HONORARIUMS; ADOPTING RELATED DEFINITIONS AND INTERPRETATION OF TERMS; ETHICS TRAINING; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Anna, Texas (the "City") has previously adopted regulations relating to standards of conduct and ethics for its elected and appointed officials; and

WHEREAS, since the City's adoption of the above-described regulations the Texas State Legislature has substantially amended related and substantially overlapping regulations; and

WHEREAS, it is the desire of the City Council to preserve substantive provisions of the City's ethics regulations that do not conflict with state law and to update certain regulations as set forth in current state law;

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

Section 1. Ethics Code

The Anna Code of Ethics Code shall be solely as stated in this ordinance.

1.01 Representation of Private Interests

- (a) Representation Before the City. A City Official shall not represent any person, group, or entity, other than himself, or his spouse or minor children, before the City. For the purposes of this subsection, "before the City" means before the City Council, or a Board, commission, or other body appointed by the City Council.
- (b) Representation in Litigation Adverse to the City.
 - (1) Salaried Officials. A paid City Official shall not represent any person, group, or entity, other than himself, or his spouse or minor children, in any litigation or other adverse proceeding to which the City is a party, if the interests of that person, group or entity are adverse to the interests of the City.
 - (2) Non-Salaried Officials. A non-salaried City Official shall not represent any person, group, or entity, other than himself, or his spouse or minor children, in

any litigation or other adverse proceeding to which the City is a party, if the interests of that person, group, or entity are adverse to interests of the City and the proceeding is substantially related to the non-salaried City Official's duties to the City.

1.02 Confidential Information

- (a) Improper Access. A City Official shall not use his position to secure Official Information about any person or entity for any purpose other than the performance of the Official's duly authorized responsibilities.
- (b) Improper Disclosure or Use. A City Official shall not publicly disclose Confidential Government Information or use such information to further or impede anyone's personal interests.

This rule does not prohibit:

- (1) any disclosure or use that is authorized or required by law;
- (2) the confidential reporting of illegal or unethical conduct to authorities designated by law to receive such information.

1.03 Public Property and Resources

A City Official shall not use, request, or permit the use of City facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

- (a) pursuant to duly adopted City policies, or
- (b) to the extent and according to the terms that those resources are lawfully available to the public.

1.04 Interaction with City Staff

- (a) City Councilmember's and Board member's interaction with the City Manager or staff must recognize the lack of authority in any individual City Councilmember, Board member or group of City Councilmembers or Board members except when explicitly authorized by the City Council or Board.
- (b) City Councilmembers and Board Members will not make public individual judgments of the performance of the City Manager, his staff, the City Attorney, the City Secretary, or the Municipal Judge except as authorized by City policy, ordinance, or the City Charter.

- (c) City Councilmembers and Board members may not attempt to coerce or intimidate City employees, interfere with City employees' duties, or otherwise circumvent the authority of the City Manager.

1.05 Actions of Others

- (a) Violations by Other City Officials. A City Official shall not knowingly assist or induce, or attempt to assist or induce, another City Official to violate any provision in this Code of Ethics.
- (b) Using Others to Engage in Forbidden Conduct. A City Official shall not violate the provisions of this Code of Ethics through the acts of another.

1.06 Conflicts of Interest.

- (a) A City Official shall not knowingly violate Texas Local Government Code Section 171.001, et seq., as amended and to the extent applicable.
- (b) A City Official shall not knowingly violate Texas Local Government Code Section 176.001, et seq., as amended and to the extent applicable.
- (c) A city official shall not knowingly violate City of Anna Home-Rule Charter Section 3.10 or Section 14.08.

1.07 Gifts and Honorariums.

- (a) A City Official shall not knowingly violate Texas Penal Code Section 36.01, et seq., as amended and to the extent applicable.
- (b) A city official shall not knowingly violate City of Anna Home-Rule Charter Section 14.09.

1.08 Definitions.

As pertains to the provisions in this Section 1, the following definitions shall apply unless the context clearly indicates otherwise:

Board – A board, commission, or committee that is established by the City and that is not solely an advisory body to the City Council. A "Board" includes the board of any Type A or Type B corporation created by the City under Chapter 501, 504, and/or 505 of the Texas Local Government Code.

Confidential Government Information – All information held by the City that is not available to the public under the Public Information Act (Chapter 552, Local Government Code, as amended), and any information from a meeting closed to the

public pursuant to the Texas Open Meetings Act (Chapter 551, Local Government Code, as amended).

City – the City of Anna, Texas.

Official – Includes the following persons: the Mayor; Members of the City Council; Municipal Court Judges and Magistrates; the City Manager; the City Secretary; the City Attorney; and Members of a Board.

Official Information – Information gathered pursuant to the power or authority of City.

Representation – All forms of communication and personal appearances in which a person, not acting in performance of official duties, formally or informally, serves as an advocate for private interest, regardless of whether the Representation is compensated. Lobbying, even on an informal basis, is a form of Representation. Representation does not include appearance as a fact witness or uncompensated expert witness in litigation or other similar proceedings.

Section 2. Open Government and Ethics Training.

All City Officials shall be required to timely obtain all required training under state law for compliance with the Texas Open Meetings Act (Texas Government Code Section 551.001 et seq.) and/or other applicable law pertaining to ethics and open government.

Section 3. Wording Interpretation

The gender of the wording throughout this Ordinance shall always be interpreted to mean either sex. All singular words shall include the plural, and all plural words shall include the singular. All references to the laws of the State of Texas or the Home Rule Charter, Ordinances, or Resolutions of the City of Anna, Texas shall mean “as presently enacted or hereafter amended”.

Section 4. Civil Fine

Any person, whether or not a City Official, who knowingly and willfully violates any portion of this Code of Ethics is subject to a fine not exceeding five hundred dollars (\$500.00). The Civil Fine under this section may be imposed by a majority of the City Council after holding a public hearing and finding a knowing and willful violation of one or more provisions of this ordinance.

Section 5. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Ordinance No. 244-2006, as amended, is hereby repealed. If

any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional or invalid. Ordinance

Section 6. Effective Date.

This ordinance shall be in full force and effective from and after its passage.

PASSED by the City Council of the City of Anna, Texas, this 24th day of July 2018.

ATTESTED:

APPROVED:

Carrie H. Smith
Carrie Smith
City Secretary



[Signature]
Kate Pike, Mayor

PLANNING & ZONING COMMISSION



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Meetings and Work Sessions

The Planning & Zoning Commission meets the first Monday of every month with the regular meeting starting at 7 p.m. Meetings are held at the Anna City Hall, located at 111 North Powell Parkway in Anna, Texas.

Roles and Responsibilities

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

City Council Liaisons

The Council Liaisons serve as a communication link between City Council and the Commission.

Commissioner	Date Original Appointment	Date Reappointed	Present Term Expires
Alonzo Tuson, Chair 214-397-9267 atutson@yahoo.com	June 2019		June 2021
Wayne Barton 817-675-0388 don@calhar.com	June 2016	Jun-17 Jun-19	June 2021
Donald Henke 469-321-6946 donaldchenke@gmail.com	June 2015	Jun-16 Jun-18 Jun-20	June 2022
Danny Ussery 903-450-7747 n5vkm@yahoo.com	June 2019		June 2021
Daniel Moody 469-438-5103 Daniel_moody12@yahoo.com	June 2019		June 2021
Brent Thomas 214-794-3840 Brentthomas1946@gmail.com	June 2020		June 2022
Nick Rubits 580-230-1085 nrubits@aol.com	June 2020		June 2022
Council Liaisons			
Nathan Pike, Mayor	September 2019		
Josh Vollmer (alternate)	September 2019		

BASIC INFORMATION FOR COMMISSION



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Additional Meetings as Required

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

Retreats/Conferences with City Council

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

General Information

- The Planning & Zoning Commission meets the first Monday of every month with the regular meeting starting at 7 p.m.
- The regular meetings usually end by 9:00 pm; however, they can last until midnight.
- Attendance at each meeting is noted and forwarded to the City Council.
- Reporters from local news agencies may attend meetings and may contact commissioners.

Preparation Time for Regular Meetings

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

Preparation Time for Additional Meetings

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

PRACTICE TIPS FOR COMMISSIONERS



Zoning Cases

Discretion: Broad but must have reasonable basis

Always: Consider **land use** appropriate for the various districts and make uniform and logical decisions.

Never: Make decisions that are arbitrary and capricious. Avoid "spot zoning" – zoning which varies or makes exception for particular tracts of land without justification based on the legitimate goal of promotion of health, safety, and welfare.

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

Special Types of Zoning

- Planned Development Districts
- Specific Use Permits

Actions on Zoning Petitions

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

Remember:

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

PRACTICE TIPS FOR COMMISSIONERS



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

Development Application Review (Site Plans/Plats)

Discretion: Extremely Limited

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

Never: Impose conditions greater than required by the code.

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

Site Plan

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

- *Concept Plan
- Site Plan

Plats

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

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

Commission's Actions on Site Plans and Plats

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

Remember:

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

PRACTICE TIPS FOR COMMISSIONERS



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

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

Rules & Procedures for Commissioners



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ADOPTED NOVEMBER 9, 2010

RESOLUTION NO. 2010-11-05

Purpose

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

Definitions

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

Agendas

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

Rules & Procedures for Commissioners



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

Role of the Presiding Officer

The Presiding Officer shall fulfill the following duties:

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

Rules for Discussion and Debate

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

Rules & Procedures for Commissioners



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

Rules for Public Hearings

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

Rules & Procedures for Commissioners



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

Rules for Motions

(a) Making Motions.

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

(b) Amending Motions

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

(c) Tabled Motions

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

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(2) To Table a Motion:

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

(d) Motion to Take No Action.

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

(2) Taking No Action:

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

(e) Motion to Adjourn

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

(2) To Adjourn a Meeting:

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

Rules & Procedures for Commissioners



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- d. Majority vote is needed to pass.

Open Meetings Act

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

Rules of Dress and Decorum

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



Chapter 2

Ethics and the Planning Commissioner

Carol Barrett, FAICP



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

Attachment A: Ethical Principles in Planning, AICP

Attachment B: AICP Code of Ethics and Professional Conduct

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

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

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

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



INTRODUCTION

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

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

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

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

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

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

What are common ethical questions that Commissioners need to answer?

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



SOURCES FOR ETHICAL GUIDELINES

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

Codes of Ethics

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

Local Ordinances

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



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

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

LAYING THE GROUNDWORK FOR ETHICAL PLANNING OFFICIALS

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

Elected Officials Should Appoint Good Planning Commissioners

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

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



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

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

Planning Commissioners Should Have Regular Training

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

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

Planning Commissions Should Have Ground Rules

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

← This is a clear project description

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

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

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

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

Combined NPA

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

Agent: Winstead PC (Amanda Swor)

Request: CS & CS-V to PUD

Staff Rec.: Recommended

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

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

← Noting the staff recommendation is useful

← Including staff contact information is very helpful

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



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

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

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

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

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

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

Ethics ordinances tend to regulate:

1. Activities that require disclosure such as sources of income

2. Behavior that is prohibited



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

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

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

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

Answer: No. See above.

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

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



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

State Law in Texas Regulates Conflicts of Interest

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

Texas Local Government Code Chapter 171 defines substantial interest as:

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



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

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

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

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

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

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

Planning Commissions Should Adopt Ethical Standards

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

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

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

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



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

A. Serve the public interest.

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

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

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

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



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

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

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

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

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

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

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



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

Applicants Deserve Fair Decisions Made in an Un-biased Manner

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

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

Ex-parte communications

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

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

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

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



been influenced.

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

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

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

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

Serial Meetings

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

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

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

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



Social Media and Serial Meetings:

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



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

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

Exchanging Votes

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

Civility

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

Article 16: Conduct of Persons Before the Planning Commission

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



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

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

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





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

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

Individual Planning Commissioners Should Be Prepared to Address Ethical Challenges

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

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

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



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

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

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

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

Answer: Using the above guidelines:

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



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

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

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

Answer: _____

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

Answer: _____

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

Answer: _____

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

Answer: _____

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

Answer: _____

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

Answer: _____

WHEN YOU HAVE SERIOUS CONCERNS ABOUT ETHICAL MISCONDUCT

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



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

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

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

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

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



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

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

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

What Happens When a Planning Commission Operations Unethically?

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

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



THE TAKEAWAY MESSAGE

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

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

Ethical Planning Commissioners:

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



ATTACHMENT A

Ethical Principles in Planning (As Adopted May 1992)

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

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

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

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

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

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

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

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

Planning Process Participants should:



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

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

Planning Process Participants should:

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

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

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



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

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

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

APA Members who are practicing planners:

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



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



ATTACHMENT B

AICP Code of Ethics and Professional Conduct

Adopted March 19, 2005

Effective June 1, 2005

Revised October 3, 2009

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

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

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

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

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

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

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

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

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



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

A: Principles to Which We Aspire

1. Our Overall Responsibility to the Public

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

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

2. Our Responsibility to Our Clients and Employers

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



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

3. Our Responsibility to Our Profession and Colleagues

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

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



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

B: Our Rules of Conduct

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

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



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

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



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

C: Our Code Procedures

1. Introduction

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

2. Informal Advice

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

3. Formal Advice

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

4. Published Formal Advisory Rulings

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

5. Filing a Charge of Misconduct



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

6. Receipt of Charge by Ethics Officer

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

7. Right of Counsel

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

8. Preliminary Responses to a Charge of Misconduct

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



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

9. Conducting an Investigation

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

10. Dismissal of Charge or Issuance of Complaint

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

11. Appeal of Dismissal of Charge

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



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

12. Answering a Complaint

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

13. Conducting a Hearing

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

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

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



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

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

14. Deciding the Case

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



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

15. Settlement of Charges

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

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

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

16. Resignations and Lapses of Membership

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

17. Annual Report of Ethics Officer

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

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

1. Automatic Suspension Upon Conviction for “Serious Crime”

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



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

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

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

3. Petition for Reinstatement of Certification and Membership

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

4. Publication of Conviction for Serious Crime:

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

ATTACHMENT C

BY-LAWS FOR PLANNING AND ZONING COMMISSION

CITY OF COLLINSVILLE, TEXAS

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



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

Article 1: Authority

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

Article 2: Jurisdiction

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

Article 3: Appointment and Terms of Members

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

Article 4: Planning Commission Officers and their Duties

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



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

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

Article 5: Staff of the Commission and their Duties

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

Article 6: Hearings of the Planning Commission

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

Article 7: Meetings of the Planning Commission

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



minutes will be prepared.

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

Article 8: Order of a Public Hearing

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

Article 9: Order of a Regular Meeting

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

Article 10: Form and Character of Motions

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



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

Article 11: Quorum and Voting Requirements

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

Article 12: Requirements for the Submission of Requests

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



Article 13: Instruments and Documents of the Planning Commission

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

Article 14: Administrative Calendar

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

Article 15: Conduct of the Members of the Planning Commission

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

Article 16: Conduct of Persons Before the Planning Commission

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



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

Article 17: Separability

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

Article 18: Adoption and Amendment of By-Laws

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

Adopted: March 2001

Amended & Approved: December 2012



ATTACHMENT D

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



PLANNING AND ZONING COMMISSION: PARTICIPATING AT PUBLIC HEARINGS

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

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

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

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

Procedures for Registering Support or Opposition on a Public Hearing Item

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

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

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



ATTACHMENT E

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



Welcome...

TO YOUR SAN GABRIEL PLANNING COMMISSION MEETING

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

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

What the Commission Does

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



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

How Can I Speak at a Meeting?

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

THE PUBLIC HEARING

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

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

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



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

Can I Appeal Planning Commission Decisions?

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

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

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



ATTACHMENT F

PUBLIC SERVICE VALUES

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

Public Service Values

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

Trustworthiness

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

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

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

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

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

I do not use my public position for personal gain.

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

Fairness

I make decisions based on the merits of the issues.

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

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

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

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

I promote equality and treat all people equitably.

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

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

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

Responsibility

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

I promote the efficient use of agency resources.

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

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

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



inference that they do.

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

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

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

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

I do not disclose confidential information without proper legal authorization.

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

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

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

Respect

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

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

I gain value from diverse opinions and build consensus.

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

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

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

I involve all appropriate stakeholders in meetings affecting agency decisions.

I come to meetings and I come to them prepared.

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

Compassion

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

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

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

I recognize a responsibility to society's less fortunate.

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

Loyalty

I safeguard confidential information.

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

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

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



nal lines of communication.

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

SAMPLE AFFIDAVIT

THE STATE OF TEXAS

§

§

COUNTY OF _____

§

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

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

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

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

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

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

Signed this _____ day of _____, 20____

Signature of Affiant

Affiant

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

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

Notary Public in and for the State of Texas

My commission expires: _____

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

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

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

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

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

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

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

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

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

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

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

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

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

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

INSTRUCTIONS FOR COMPLETING THIS FORM

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

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

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

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

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

- (2) the vendor:

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

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

2020 - ZONING, PLAN, AND PLAT SUBMITTAL CALENDAR

*SUBMITTAL DATE <i>1st Wednesday following a regularly scheduled P&Z meeting</i>	1ST REVIEW MEETING (STAFF)	STAFF COMMENTS AVAILABLE	**CORRECTED PLANS RETURNED	P&Z DATE	ZONING & RESIDENTIAL REPLAT PUBLIC HEARING NOTICES	CITY COUNCIL DATE
				1st Monday of the month	18 days prior to CC Date (15 days Required)	2nd & 4th Tuesday of the month
12/04/19	12/13/19	12/16/19	12/19/19 (due to holiday)	01/06/20		01/14/20
					01/09/20	01/28/20
01/08/20	01/17/20	01/21/19	01/27/20	02/03/20		02/11/20
					02/06/20	02/25/20
02/05/20	02/14/20	02/18/20	02/24/20	03/02/20		03/10/20
					03/05/20	03/24/20
03/04/20	03/13/20	03/16/20	03/23/20	04/06/20		04/14/20
					04/09/20	04/28/20
04/08/20	04/17/20	04/20/15	04/27/20	05/04/20		05/12/20
					05/07/20	05/26/20
05/06/20	05/15/20	05/18/20	05/26/20	06/01/20		06/09/20
					06/04/20	06/23/20
06/03/20	06/12/20	06/15/20	06/22/20	07/06/20		07/14/20
					07/09/20	07/28/20
07/08/20	07/17/20	07/20/20	07/27/20	08/03/20		08/11/20
					08/06/20	08/25/20
08/05/20	08/14/20	08/17/20	08/24/20	09/01/20 (Tuesday)		09/08/20
					09/10/20	09/22/20
09/09/20	09/18/20	09/21/20	09/28/20	10/05/20		10/13/20
					10/08/20	10/27/20
10/07/20	10/16/20	10/19/20	10/26/20	11/02/20		11/10/20
					11/05/20	11/24/20
11/04/20	11/13/20	11/16/20	11/23/20	12/07/20		12/08/20
					12/31/20	01/12/21
12/09/20	12/18/20	12/21/20	12/28/20	01/04/21		01/12/21
					01/07/21	01/26/21

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

*No later than 4:00 P.M. on the submittal day

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

2021 City of Anna Holidays

Holidays	Dates (Days City Offices are closed)
New Year's Day	Friday, Jan 1, 2021
Martin Luther King Jr	Monday, Jan 18, 2021
Washington's Birthday/President's Day	Monday, Feb 15, 2021
Good Friday/Easter	Friday, Apr 2, 2021
Memorial Day	Monday, May 31, 2021
Independence Day	Sunday, July 4, 2021 (Monday, Jul 5)
Labor Day	Mon, Sep 6, 2021
Veteran's Day	Thursday, Nov 11, 2021
Thanksgiving Day	Thursday, Nov 25, 2021
Day after Thanksgiving	Friday, Nov 26, 2021
Christmas Eve	Friday, Dec 24
Christmas Day	Saturday, Dec 25 (Monday, Dec 27)

Dates have been confirmed with City of Anna Human Resources Director.

DRAFT 2021 - ZONING, PLAN, AND PLAT SUBMITTAL CALENDAR

*SUBMITTAL DATE <i>1st Wednesday following a regularly scheduled P&Z meeting</i>	1ST REVIEW MEETING (STAFF)	STAFF COMMENTS AVAILABLE	**CORRECTED PLANS RETURNED	P&Z DATE	ZONING & RESIDENTIAL REPLAT PUBLIC HEARING NOTICES (STAFF)	CITY COUNCIL DATE
				1st Monday of the month	18 days prior to CC Date (15 days Required)	2nd & 4th Tuesday of the month
Dec 09, 2020	12/18/20	12/21/20	12/28/20	01/04/21		01/12/21
					01/07/21	01/26/21
Jan 06, 2021	01/15/21	01/18/21	01/25/21	02/01/21		02/09/21
					02/04/21	02/23/21
Feb 03, 2021	02/12/21	02/15/21	02/22/21	03/01/21		03/09/21
					03/04/21	03/23/21
Mar 03, 2021	03/12/21	03/15/21	03/22/21	04/05/21		04/13/21
					04/08/21	04/27/21
Apr 07, 2021	04/16/21	04/19/21	04/26/21	05/03/21		05/11/21
					05/06/21	05/25/21
May 05, 2021	05/14/21	05/17/21	05/24/21	06/01/21 (Tuesday) OR 06/07/21		06/08/21
					06/03/21	06/22/21
Jun 09, 2021	06/18/21	06/21/21	06/28/21	07/06/21 (Tuesday)		07/13/21
					07/08/21	07/27/21
Jul 07, 2021	07/16/21	07/19/21	07/26/21	08/02/21		08/10/21
					08/05/21	08/24/21
Aug 04, 2021	08/13/21	08/16/21	08/23/21	08/30/21 OR 09/07/21		09/14/21
					09/09/21	09/28/21
Sep 08, 2021	09/17/21	09/20/21	09/27/21	10/04/21		10/12/21
					10/07/21	10/26/21
Oct 06, 2021	10/15/21	10/18/21	10/25/21	11/01/21		11/09/21
					11/04/21	11/23/21
Nov 10, 2021	11/19/21	11/22/21	11/29/21	12/6/21		12/14/21
					12/09/21	12/28/21
Dec 08, 2021	12/17/21	12/20/21	12/27/21	01/03/21		01/11/22
					01/06/22	01/25/22

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

*No later than 4:00 P.M. on the submittal day

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

CITY OF ANNA
PLANNING & ZONING

July 6, 2019

Agenda Item No. 7

Development Plat: G2 Motorsports Park Addition, Block A, Lot 1

Applicant: Cecil A Cheshier, P.E.

AGENDA ITEM:

Consider/Discuss/Action on a recommendation regarding the G2 Motorsports Park Addition, Block A, Lot 1, Development Plat.

SUMMARY:

Motorsports Park on one lot on 180.6± acres located at the northeast corner of E Houston Street (FM 2862) and N Broadway Avenue. Located within the extraterritorial jurisdiction (ETJ).

The purpose for the development plat is to construct a motorsports park and related site improvements.

STAFF RECOMMENDATION:

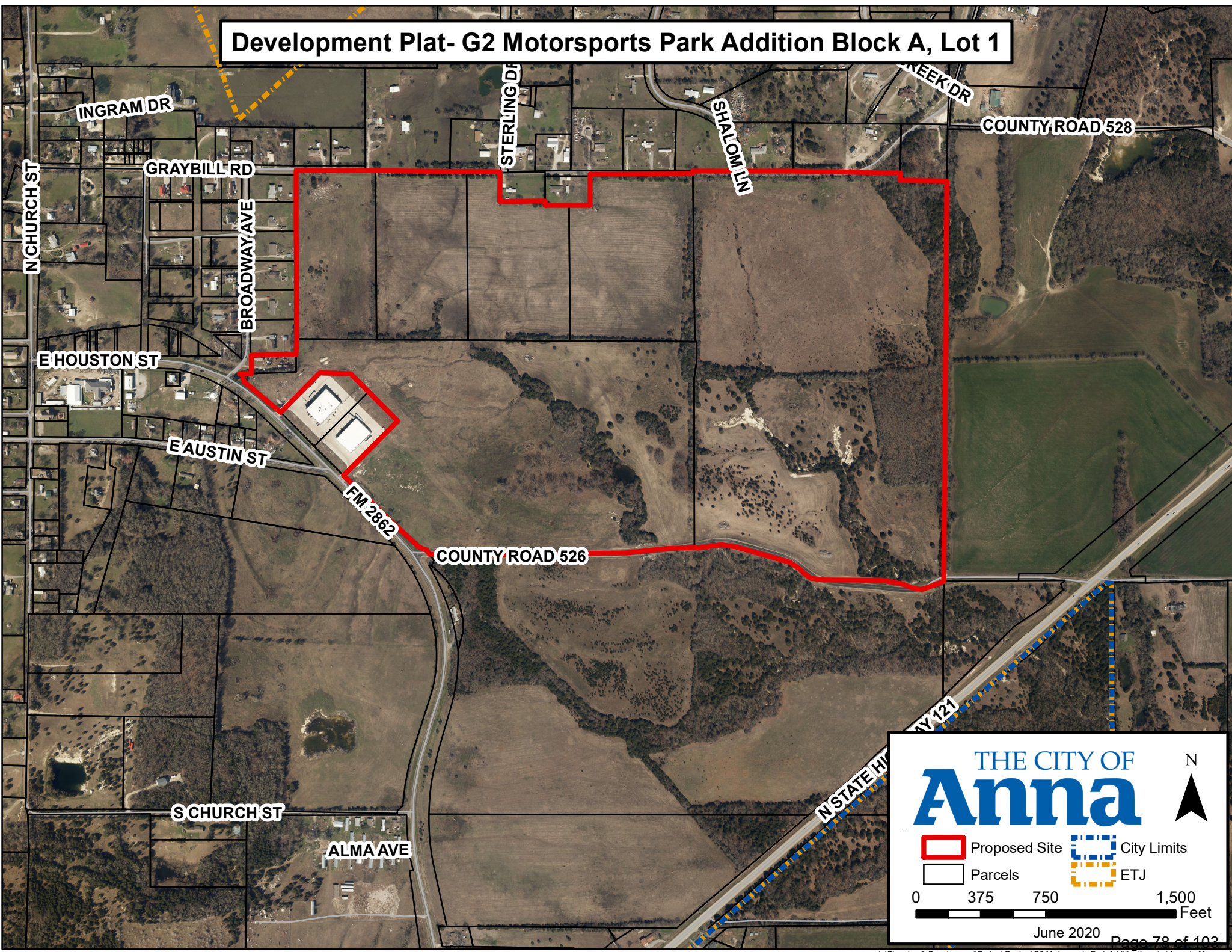
Recommended for approval as submitted.

ATTACHMENTS:

Locator

Exhibit

Development Plat- G2 Motorsports Park Addition Block A, Lot 1



180.619 ACRES
J. CHALMERS SURVEY A - 233
COLLIN COUNTY, TEXAS

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. CHALMERS SURVEY, ABSTRACT NUMBER 233 COLLIN COUNTY, TEXAS BEING ALL OF CALLED 10.37 ACRE TRACT DESCRIBED IN THE DEED TO LOU GIGLIOTTI AS RECORDED IN DOCUMENT NUMBER 20180627000799700 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 12.00 ACRE TRACT DESCRIBED IN THE DEED TO YAMANI GROUP, L.L.C. AS RECORDED IN DOCUMENT NUMBER 20161115001552870 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ALL OF TRACT OF LAND DESCRIBED IN THE DEED TO LOU GIGLIOTTI AS DESCRIBED IN DOCUMENT NUMBER 20161115001552870 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 14.5155 ACRES TRACT OF LAND DESCRIBED AS TRACT 2 TO LOU GIGLIOTTI AS RECORDED IN DOCUMENT NUMBER 20140703000688450 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, A PART OF A CALLED 59.43 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 TO LOU GIGLIOTTI AS RECORDED IN DOCUMENT NUMBER 20140703000688450 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 75.957 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO LOU GIGLIOTTI AS RECORDED IN DOCUMENT NUMBER 20150512000550420 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS AND ALL OF A CALLED 0.591 ACRE TRACT DESCRIBED IN THE DEED TO LOU GIGLIOTTI AS RECORDED IN DOCUMENT NUMBER 20200415000536740, OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERN NORTHEAST CORNER OF HEREIN DESCRIBED TRACT AT THE SOUTHEAST CORNER OF A CALLED 2 ACRE TRACT OF LAND DESCRIBED N THE DEED TO SAM JENKINS AS RECORDED IN DOCUMENT NUMBER 96-0101600, DEED RECORDS OF COLLIN COUNTY, TEXAS IN THE WEST LINE OF A CALLED 114.627 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO VICTOR A WOODLING JR. OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS AT THE MOST EASTERN NORTHEAST CORNER OF SAID 75.957 ACRE TRACT;

THENCE SOUTH 00 DEGREES 44 MINUTES 54 SECONDS WEST WITH THE EAST LINE OF HEREIN DESCRIBED TRACT AND THE WEST LINE OF SAID VICTOR A. WOODLING JR. TRACT A DISTANCE OF 2216.07 FEET TO A CAPPED IRON ROD SET FOR CORNER ON THE NORTH SIDE OF A GRAVEL SURFACE ROADWAY UNDER APPARENT PUBLIC USE POSTED AS COUNTY ROAD 526 AT THE SOUTHEAST CORNER OF SAID 75.957 ACRE TRACT;

THENCE THE FOLLOWING EIGHTEEN (18) CALLS ALONG SAID COUNTY ROAD;

THENCE SOUTH 61 DEGREES 43 MINUTES 05 SECONDS WEST A DISTANCE OF 86.68 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 66 DEGREES 27 MINUTES 27 SECONDS WEST A DISTANCE OF 79.49 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 80 DEGREES 13 MINUTES 13 SECONDS WEST A DISTANCE OF 71.49 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 69 DEGREES 27 MINUTES 57 SECONDS WEST A DISTANCE OF 69.55 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 78 DEGREES 59 MINUTES 07 SECONDS WEST A DISTANCE OF 110.20 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 89 DEGREES 51 MINUTES 40 SECONDS WEST A DISTANCE OF 342.95 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 82 DEGREES 47 MINUTES 50 SECONDS WEST A DISTANCE OF 71.89 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 54 DEGREES 15 MINUTES 18 SECONDS WEST A DISTANCE OF 41.95 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 43 DEGREES 39 MINUTES 55 SECONDS WEST A DISTANCE OF 48.65 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 59 DEGREES 27 MINUTES 48 SECONDS WEST A DISTANCE OF 65.90 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 74 DEGREES 07 MINUTES 19 SECONDS WEST A DISTANCE OF 325.79 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 81 DEGREES 36 MINUTES 25 SECONDS WEST A DISTANCE OF 80.54 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 82 DEGREES 55 MINUTES 49 SECONDS WEST A DISTANCE OF 135.02 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 88 DEGREES 39 MINUTES 24 SECONDS WEST A DISTANCE OF 20.86 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 88 DEGREES 51 MINUTES 26 SECONDS WEST A DISTANCE OF 165.12 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 84 DEGREES 21 MINUTES 35 SECONDS WEST A DISTANCE OF 231.25 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 89 DEGREES 34 MINUTES 38 SECONDS WEST A DISTANCE OF 727.03 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 89 DEGREES 33 MINUTES 25 SECONDS A DISTANCE OF 406.89 FEET TO A CAPPED IRON ROD SET FOR CORNER AT THE SOUTHWEST CORNER OF SAID 59.43 ACRE TRACT IN THE NORTHEAST RIGHT-OF-WAY OF F.M. 2862;

THENCE NORTH 34 DEGREES 23 MINUTES 38 SECONDS WEST WITH THE NORTHEAST RIGHT-OF-WAY OF F.M. 2862 A DISTANCE OF 28.57 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 66 DEGREES 08 MINUTES 57 SECONDS WEST WITH THE EAST RIGHT-OF-WAY LINE OF SAID F.M. 2862 A DISTANCE OF 54.00 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE WITH THE NORTHEAST RIGHT-OF-WAY LINE OF F.M. 2862 AND A CURVE TO THE LEFT HAVING AN ARC LENGTH 131.39 FEET, A RADIUS OF 999.93 FEET, A DELTA ANGLE OF 7 DEGREES 31 MINUTES 44 SECONDS AND WHOSE CHORD BEARS NORTH 41 DEGREES 48 MINUTES 57 SECONDS WEST A DISTANCE OF 131.30 FEET WITH THE NORTHEAST LINE OF SAID F.M. 2862;

THENCE NORTH 45 DEGREES 46 MINUTES 47 SECONDS WETS WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 2862 A DISTANCE OF 449.30 FEET TO A CAPPED IRON ROD SET FOR CORNER THE SOUTH CORNER OF LOT 2, LG MOTORSPORTS PARK ADDITION AS RECORDED IN DOCUMENT NUMBER 20190109010000110, PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 37 MINUTES 14 SECONDS EAST WITH THE SOUTHEAST LINE OF SAID LOT 2 A DISTANCE OF 438.01 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 45 DEGREES 22 MINUTES 46 SECONDS WEST A DISTANCE OF 384.68 FEET TO A CAPPED IRON ROD SET FOR CORNER AT THE NORTH CORNER OF LOT 1 OF SAID ADDITION;

THENCE NORTH 88 DEGREES 30 MINUTES 03 SECONDS WEST A DISTANCE OF 178.55 DEGREES TO A CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 44 DEGREES 37 MINUTES 14 SECONDS WEST A DISTANCE OF 317.49 FEET TO A CAPPED IRON ROD SET FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 2862;

THENCE SOUTH 44 DEGREES 37 MINUTES 14 SECONDS WEST A DISTANCE OF 317.49 FEET WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 2862;

THENCE NORTH 45 DEGREES 32 MINUTES 59 SECONDS WEST A DISTANCE OF 73.89 FEET TO CAPPED IRON ROD SET FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 2892;

THENCE WITH THE NORTHEAST RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 217.23 FEET, A RADIUS OF 99.93 FEET, A DELTA ANGLE OF 12 DEGREES 26 MINUTES 49 SECONDS AND WHOSE CHORD BEARS NORTH 52 DEGREES 04 MINUTES 27 SECONDS WEST A DISTANCE OF 216.80 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 10 DEGREES 26 MINUTES 27 SECONDS WEST A DISTANCE OF 40.00 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 71 DEGREES 19 MINUTES 57 SECONDS WEST A DISTANCE OF 15.00 FEET TO A CAPPED IRON ROD SET FOR CORNER IN THE WEST LINE OF BROADWAY STREET;

THENCE NORTH 88 DEGREES 42 MINUTES 04 SECONDS EAST A DISTANCE OF 70.72 FEET TO A CAPPED IRON ROD FOUND MARKED "3048" FOR CORNER;

THENCE NORTH 00 DEGREES 15 MINUTES 01 SECONDS WEST A DISTANCE OF 100.05 FEET TO A CAPPED IRON ROD SET OR CORNER IN THE WEST LINE OF SAID BROADWAY STREET;

THENCE NORTH 88 DEGREES 59 MINUTES 32 SECONDS EAST A DISTANCE OF WITH THE SOUTH LINE OF LOT 6 OF CONNINGHAM ADDITION AS RECORDED IN DOCUMENT NUMBER 20061012010004450, PLAT RECORDS OF COLLIN COUNTY, TEXAS A DISTANCE OF 258.05 FEET TO A CAPPED IRON ROD SET FOR CORNER;

THENCE NORTH 00 DEGREES 07 MINUTES 19 SECONDS WEST WITH THE WEST LINE OF HEREIN DESCRIBED TRACT AND THE EAST LINE OF SAID CONNINGHAM ADDITION A DISTANCE OF 1047.48 FEET TO A PK NAIL SET FOR CORNER IN OR NEAR THE CENTER OF AN ASPHALT SURFACE ROADWAY UNDER APPARENT PUBLIC USE POSTED AS GRAYBILL ROAD;

THENCE SOUTH 89 DEGREES 24 MINUTES 56 SECONDS EAST ALONG SAID GRAYBILL ROAD A DISTANCE OF 1191.04 FEET TO A PK NAIL SET FOR CORNER THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO TOMMY GREEN AS RECORDED IN DOCUMENT NUMBER 20090910001132310 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 13 MINUTES 19 SECONDS WEST WITH THE WEST LINE OF SAID TOMMY GREEN TRACT A DISTANCE OF 168.21 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 89 DEGREES 41 MINUTES 42 SECONDS EAST A DISTANCE OF 520.20 FEET TO A 1 INCH PIPE FOUND FOR CORNER THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO KAREN GIGLIOTTI AND LOUIS GIGLIOTTI AS RECORDED IN DOCUMENT NUMBER 2018062401066150 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 18 MINUTES 18 SECONDS EAST WITH THE EAST LINE OF SAID KAREN AND LOUIS GIGLIOTTI TRACT A DISTANCE OF 168.00 FEET TO A PK NAIL SET FOR CORNER IN OR NEAR THE CENTER LINE OF SAID GRAYBILL ROAD;

THENCE SOUTH 89 DEGREES 30 MINUTES 20 SECONDS EAST ALONG OR NEAR THE CENTER OF SAID GRAYBILL ROAD A DISTANCE OF 1784.78 FEET TO A CAPPED IRON ROD SET FOR CORNER IN THE WEST LINE OF SAID 2 ACRE TRACT;

THENCE SOUTH 00 DEGREES 55 MINUTES 38 SECONDS WEST A DISTANCE OF 108.00 FEET TO A CAPPED IRON ROD SET FOR CORNER THE SOUTHWEST CORNER OF SAID 2 ACRE TRACT;

THENCE SOUTH 89 DEGREES 04 MINUTES 22 SECONDS EAST WITH THE SOUTH LINE OF SAID 2 ACRE TRACT A DISTANCE OF 281.00 FEET TO THE POINT OF BEGINNING ENCLOSING 180.619 ACRES OF LAND, MORE OR LESS.

I, J.E. THOMPSON II, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND AND THAT ALL CORNERS ARE SET WITH 1/2" CAPPED IRON RODS OR FOUND AS INDICATED.

J.E. THOMPSON II, R.P.L.S.
TEXAS REGISTRATION NO. 4857



LINETYPE LEGEND	
PROPERTY LINE	---
EASEMENT LINE	---
DEEDLOT LINES	---
ADJOINER LINES	---
WATER LINE	WL
SEWER LINE	SS
GAS LINE	GL
COMMUNICATIONS LINE	UC
OVERHEAD UTILITY	---
ELECTRIC LINE	---
ASPHALT ROAD	---
GRAVEL ROAD	---
FENCE LINES	X
SURVEY LINES	---

TOMMY GREEN
= 20090910001132310
O.P.R.C.C.T.

KAREN GIGLIOTTI &
LOUIS GIGLIOTTI
= 2018062401066150
O.P.R.C.C.T.

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
CUNNINGHAM ADDITION
DOCUMENT NUMBER
20061012010004450
P.R.C.C.T.

L36
CIRS
L35
CIRS
L34
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L32
CIRS
FUTURE RIGHT-OF-WAY DEDICATION

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FUTURE RIGHT-OF-WAY DEDICATION

CURVE ARC LENGTH RADIUS DELTA ANGLE CHORD BEARING CHORD LENGTH

C1 142.62 261.13 18°33'38.04" N 72°00'49" E 38.98'

C2 39.02 261.13 18°33'38.04" N 72°00'49" E 38.98'

GENERAL NOTES

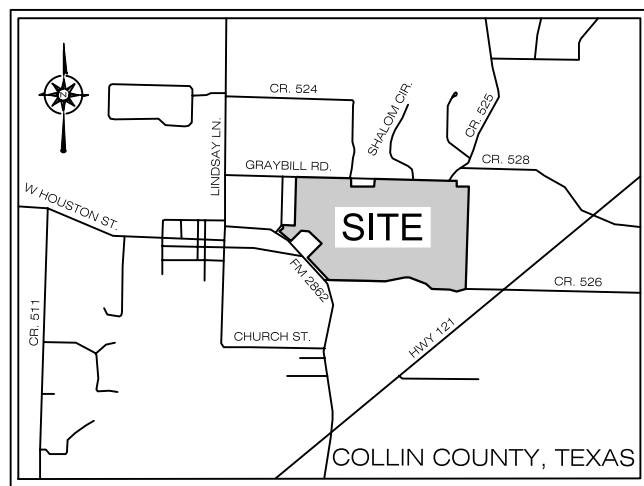
NOTES:

- BEARING BASIS DERIVED FROM GPS OBSERVATIONS MADE ON THE GROUND. TEXAS NORTH CENTRAL NAD 83 (GRID).
- ALL IMPROVEMENTS WITHIN PROPERTY ARE PROPOSED.
- THERE SHALL BE A 25 FOOT BUILDING SETBACK FROM ALL PROPERTY LINES.

FLOOD STATEMENT: I HAVE EXAMINED THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE TOWN OF WESTMINSTER, COLLIN COUNTY, TEXAS, COMMUNITY NUMBER 480758, AND FOR COLLIN COUNTY, TEXAS, COMMUNITY NUMBER 480130, EFFECTIVE DATE 06-02-2009 AND THAT MAP INDICATES THAT THIS PROPERTY IS WITHIN "NON-SHADED ZONE X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS SHOWN IN PANEL 0180 J OF SAID MAP. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

LEGEND	
● = PROPERTY CORNER	CM = CONTROL MONUMENT
● = BENCHMARK	BF = BEARING BASIS
⊠ = TELEPHONE/UTILITY RISER (TRUR)	FF = FINISHED FLOOR
⊠ = BURIED CABLE MARKER (BCM)	MFCP = METAL FENCE CORNER POST
⊠ = TELEPHONE MANHOLE (TMH)	WFPC = METAL FENCE CORNER POST
⊠ = POWER/UTILITY POLE (PP/UP)	PL = PLATTEED CALLS
⊠ = LIGHT POLE (LP)	POB = POINT OF BEGINNING
⊠ = GUY WIRE (GUW)	R.O.W. = RIGHT-OF-WAY
⊠ = ELECTRIC VAULT (EVT)	D.E. = DRAINAGE EASEMENT
⊠ = ELECTRIC TRANSFORMER (TRAN)	S.E.E. = SANITARY SEWER EASEMENT
⊠ = WATER METER (WM)	U.E. = UTILITY EASEMENT
⊠ = WATER VALVE (WV)	W.E. = WATER EASEMENT
⊠ = FIRE HYDRANT (FH)	P.U.E. = PUBLIC UTILITY EASEMENT
⊠ = WATER MANHOLE (WMH)	B.L. = BUILDING/SETBACK LINE
⊠ = BURIED PIPELINE MARKER (BPM)	A.E. = ACCESS EASEMENT
⊠ = GAS METER (GM)	F.L.E. = FIRELANE EASEMENT
⊠ = GAS VALVE/TEST STATION (GVTS)	S.W.E. = SIDEWALK EASEMENT
⊠ = GAS WELL HEAD (GWH)	S.S.E. = SANITARY SEWER EASEMENT
⊠ = PROPANE TANK (PT)	IRF = IRON ROD FOUND
⊠ = SEPTIC CLEANOUT (C/O)	CIRF = CAPPED IRON ROD FOUND
⊠ = SEPTIC UD (SEPT)	CIRS = CAPPED IRON ROD SET
⊠ = SANITARY SEWER MANHOLE (SSMH)	PKF = PK NAIL FOUND
⊠ = STORM DRAIN MANHOLE (SDMH)	PKS = PK NAIL SET
⊠ = SIGN (SIGN)	CON = CONCRETE SURFACE
⊠ = FLAGPOLE (FP)	ASF = ASPHALT SURFACE
⊠ = MAILBOX (MB)	GRV = GRAVEL SURFACE
⊠ = ABSTRACT CORNER	

Course	Bearing	Distance
L1	S 00°13'19" W	168.21'
L2	N 00°18'18" E	168.00'
L3	S 00°55'38" W	109.00'
L4	S 61°43'05" W	86.68'
L5	S 66°27'27" W	71.49'
L6	N 80°13'13" W	54.16'
L7	N 69°27'57" W	69.55'
L8	N 78°59'07" W	110.20'
L9	N 89°51'40" W	342.95'
L10	N 82°47'50" W	71.89'
L11	N 54°15'18" W	41.95'
L12	N 43°39'55" W	48.65'
L13	N 59°27'48" W	65.90'
L14	N 74°07'19" W	325.79'
L15	N 81°36'25" W	80.54'
L16	S 82°55'49" W	135.02'
L17	N 88°39'24" W	20.86'
L18	S 88°51'26" W	165.12'
L19	S 84°21'35" W	231.25'
L20	S 89°34'38" W	727.03'
L21	N 89°33'25" W	406.89'
L22	N 34°23'38" W	28.57'
L23	N 68°08'57" W	54.00'
L24	Rad: 999.93' A: 131.39' CA: 7°31'44" Tan: 65.79' Chd: N 41°48'57" W 131.30'	
L25	N 45°46'47" W	449.51'
L26	N 44°37'14" E	438.01'
L27	N 45°22'46" W	384.68'
L28	N 88°30'03" W	178.55'
L29	S 44°37'14" W	317.49'
L30	N 45°32'59" W	73.89'
L31	Rad: 999.93' A: 217.23' Tan: 109.04' CA: 12°26'49" Chd: N 52°04'27" W 216.80'	
L32	N 10°26'27" W	40.00'
L33	N 71°19'57" W	15.00'
L34	N 88°42'04" E	70.72'
L35	N 00°15'01" W	100.05'
L36	N 88°39'32" E	258.05'



VICINITY MAP
(NOT TO SCALE)

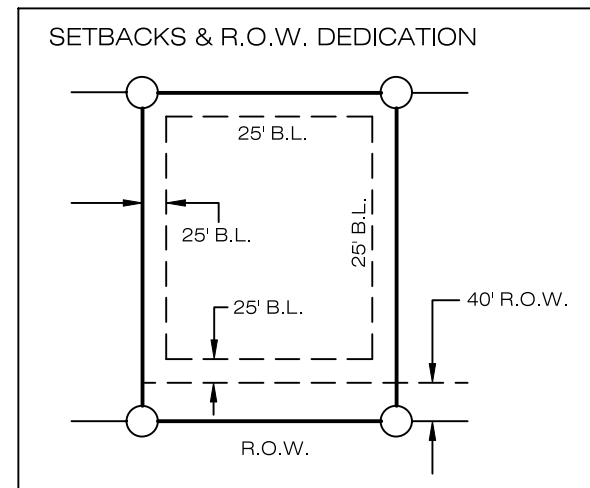
OWNER / DEVELOPER
LOU GIGLIOTTI
9077 LAKEBRIDGE DRIVE
PRINCETON, TX 75407
PHONE: (214)-679-8907

CIVIL ENGINEER
CECIL A. CHESHER, P.E.
CARDINAL STRATEGIES
ENGINEERING SERVICES, LLC
2770 CAPITAL STREET
WYLLIE, TX 75098
PHONE: (469)-261-6840

SURVEYOR
JOHN E. THOMPSON, II
ALL AMERICAN SURVEYING
111 N. DIXON ST.
GAINESVILLE, TX 76240
PHONE: (940)-665-9105

RACE TRACK LEGEND	
BARREIR LINE	---
BARREIR DOUBLE LINE	---
STATION LINE	---
EDGE OF TRACK LINE	---
CURBING LINE	---
BUILDING LINE	---
TRE BARREIR	---
ASPHALT	---

NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.



CITY APPROVAL

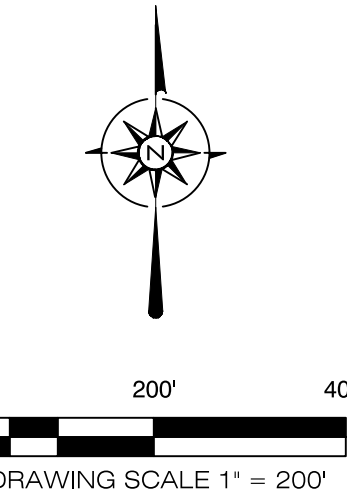
APPROVED THIS _____ DAY OF _____, 20____
BY THE CITY OF ANNA, TEXAS.

NAME

TITLE

COUNTY ROAD 526
(433' ASPHALT SURFACE)

P.O.B.



VICTOR A WOODLING JR.
DOC. #201001000023560
FIRST TRACT
CALLED 14.627 ACRES
O.P.R.C.C.T.

EXHIBIT A

DEVELOPMENT PLAT
G2 MOTORSPORTS
PARK ADDITION
BLOCK A, LOT 1
180.619 ACRES
IN THE J. CHALMERS SURVEY,
ABSTRACT NO. 233
ETJ OF THE CITY OF ANNA
COLLIN COUNTY, TEXAS

	111 N. DIXON ST. GAINESVILLE, TX 76240 PH: 940-665-9105 TBPLS FIRM NO. 10049000
--	--

REVISED DATE: 06-17-20 CITY COMMENTS

CITY OF ANNA
PLANNING & ZONING

July 6, 2019

Agenda Item No. 8

Development Plat: The KCM Addition, Block A, Lot 1

Applicant: David Surdukan

AGENDA ITEM:

Consider/Discuss/Action on a recommendation regarding the The KCM Addition, Block A, Lot 1, Development Plat.

SUMMARY:

Single-family dwelling, detached and truck parking lot on one lot on 2.9± acres located on the north side of State Highway 121, 3,432± feet west of FM 455. Located within the extraterritorial jurisdiction (ETJ).

The purpose of the development plat is to allow for the construction of the proposed building.

STAFF RECOMMENDATION:

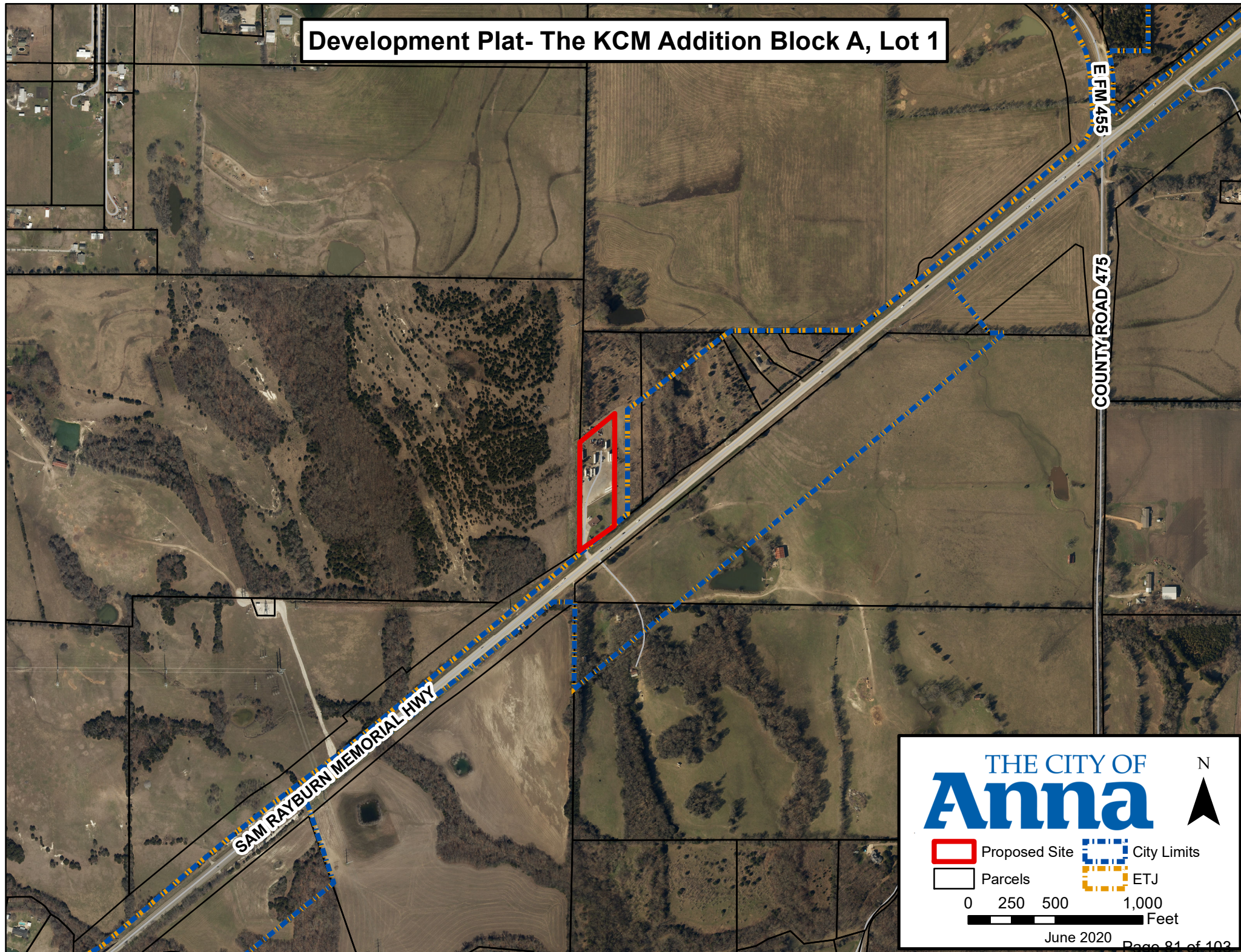
Recommended for approval as submitted.

ATTACHMENTS:

Locator

Exhibit

Development Plat- The KCM Addition Block A, Lot 1



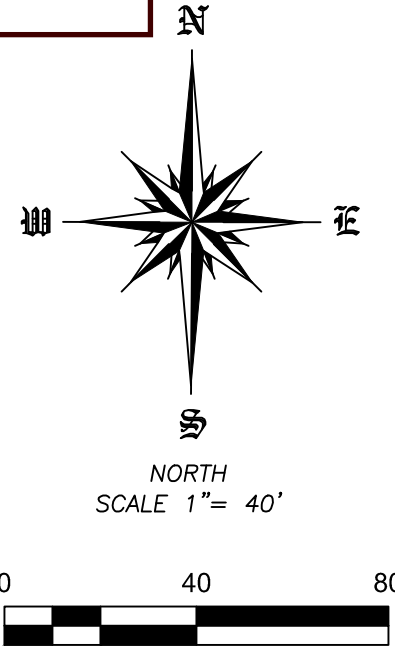
THE CITY OF
Anna



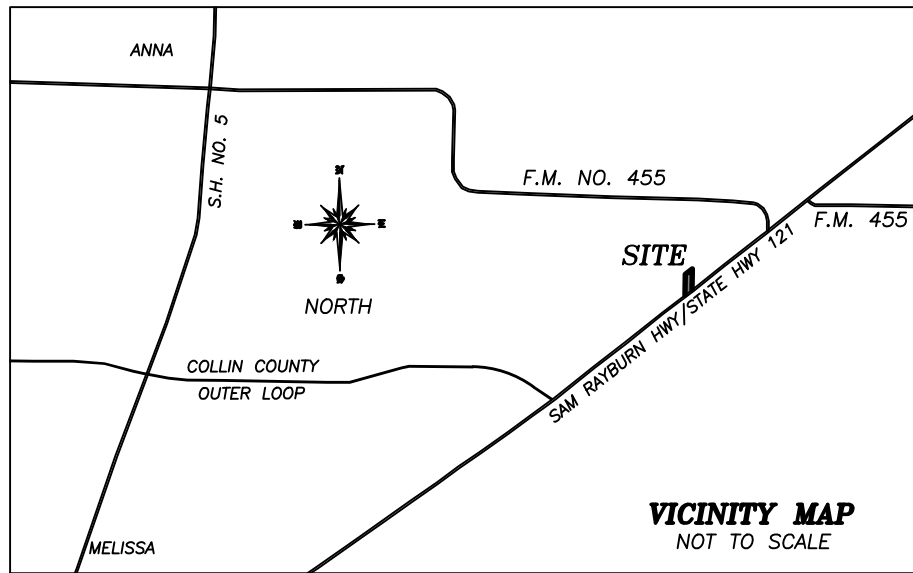
 Proposed Site  City Limits
 Parcels  ETJ
0 250 500 1,000
Feet

June 2020

EXHIBIT A



LEGEND
C.M. = CONTROLLING MONUMENT
CIRS = CAPPED 1/2" IRON ROD SET STAMPED (4613)
CIRF = CAPPED 1/2" IRON ROD FOUND
IRF = IRON ROD FOUND
□ = AC UNIT
○ = ELECTRIC METER
✕ = ELECTRIC PIN FLAG
↓ = GUY WIRE
IB = IRRIGATION CONTROL VALVE
☼ = LIGHT POLE
■ = MAILBOX
ohe = OVERHEAD ELECTRIC SERVICE LINE
⌂ = POWER POLE
□ = FENCE POST
⊙ = STUB OUT
☐ = TELEPHONE BOX
⊙ = WATER METER
⊙ = WATER VALVE



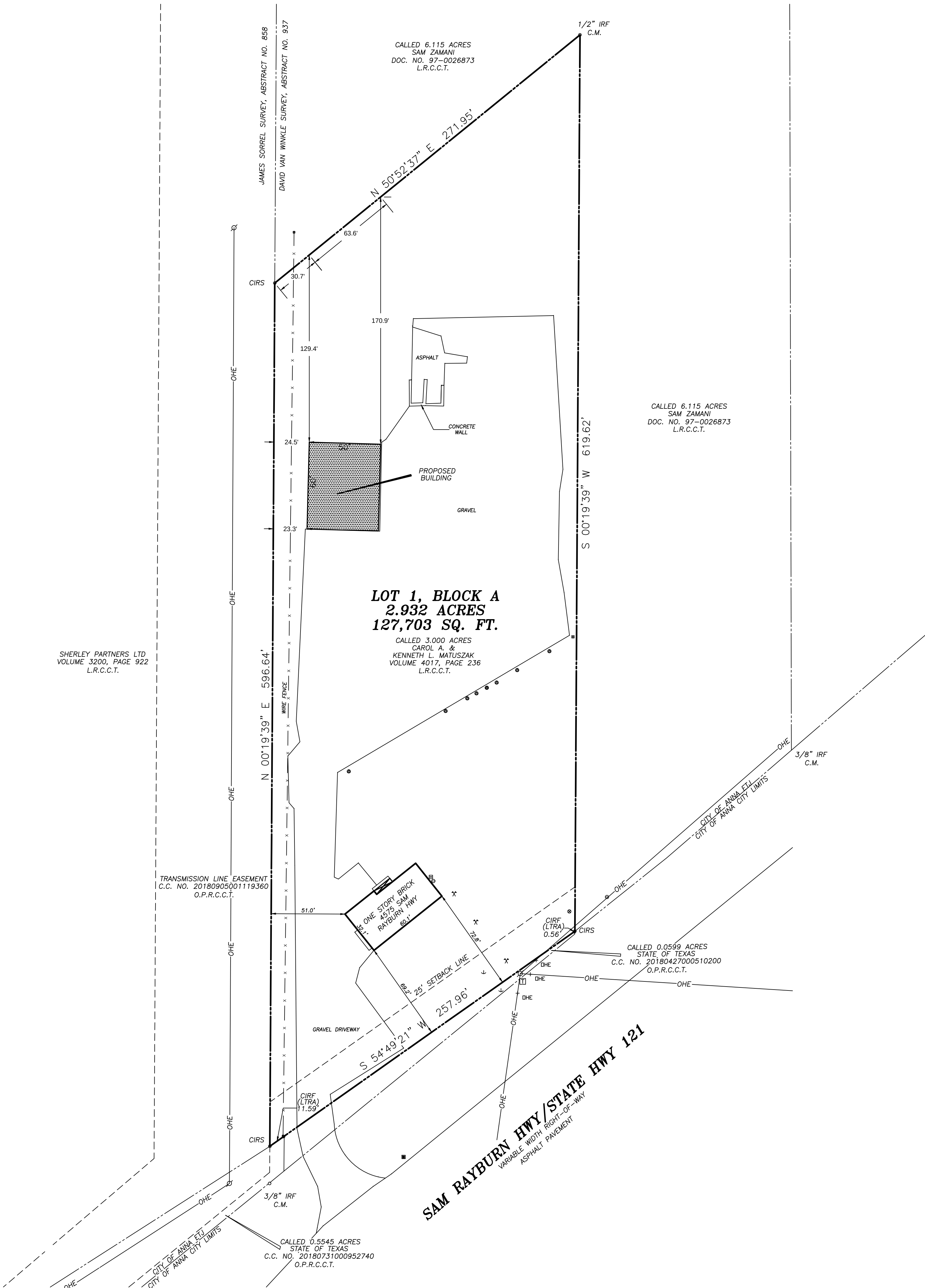
SHERLEY PARTNERS LTD
VOLUME 3200, PAGE 922
L.R.C.C.T.

FLOOD NOTE

This property falls in Zone X according to the Flood Insurance Rate Maps, Panel No. 48085C0180J, Map Revision June 2, 2009, as published by the Federal Emergence Management Agency.

GENERAL NOTES:

1. The surveyor has not abstracted subject property.
2. This survey is subject to all easements of record.
3. Copyright 2020, Surdukan Surveying, Inc.
4. The survey is being provided solely for the use of the current parties and that no licenses has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction which shall take place within 3 months of the date of this survey.
5. The basis of bearings, horizontal position are derived from Texas WDS RTK Network, Texas State Plane Coordinates System, NAD83, North Central Zone, Nad 83 (CORS96) Epoch 2002.0.
7. Existing water service to this site is provided by North Collin Special Utility District.
8. Sanitary Sewer is on existing system on site.
9. Existing electric is provided by Grayson-Collin Electric Company.
10. Solid waste will be provided through a private solid waste company.
11. Selling any portion of this addition by metes and bounds is a violation of City Ordinance and State laws, and is subject to fines and withholding of utilities and building permits.



LEGAL DESCRIPTION

BEING a tract of land situated in the David VanWinkle Survey, Abstract No. 937 of Collin County, Texas, and part of a 3,000 acre tract conveyed to Carol A. and Kenneth L. Matuszak as recorded in Volume 4017, Page 236 of the Land Records of Collin County, Texas and being more particularly described by metes and bounds as follows:
COMMENCING at the southwest corner of the David VanWinkle Survey crossing State Highway 121 and continuing for a total distance of 333.02' to a capped 1/2" iron rod stamped 4613 set for corner at the POINT OF BEGINNING, said iron rod set in the north Right-of-Way (R.O.W.) line of State Highway 121 and said iron being in the west line of the called 3,000 acre tract and said iron rod also being in the east line of Tract 23 as described in deed as conveyed to Sherley Partners, LTD in Volume 3200, Page 922 of the Land Records of Collin County, Texas;
THENCE N 00°19'39" E with the east line of the Sherley Partners, LTD tract and the west line of the called 3,000 acre tract a distance of 596.64' to a capped 1/2" iron rod stamped "4613" set for the northwest corner and said corner being the most eastern south corner of a 6.115 acre tract of land as conveyed to Sam Zamani in Document No. 97-0026873 of the Land Records of Collin County, Texas;
THENCE N 50°52'37" E with the mutual line of the 6.115 acre tract of land and the 3.00 acre tract of land a distance 271.95' to a 1/2" iron rod found for the northeast corner and said iron rod being an ell corner of the 6.115 acre tract of land;
THENCE S 00°19'39" W with the mutual line of the 6.115 acre tract of land and the 3.00 acre tract of land a distance 619.62' to a capped 1/2" iron rod stamped "4613" set for the southeast corner in the north R.O.W. of State Highway 121;
THENCE S 54°49'21" W along the north R.O.W. of State Highway 121 passing a capped 5/8" iron rod found stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" at 0.56' and passing a capped 5/8" iron rod found stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" at 246.31' and continuing on for a total distance 257.96' to the POINT OF BEGINNING and containing 127,703 Square Feet or 2.932 Acres of land.

I, DAVID J. SURDUKAN, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this Development Plat from an actual and accurate survey of the land and that the corner monuments shown thereon were found or properly placed, under my personal supervision.

David J. Surdukan
Registered Professional Land Surveyor
Registration No. 4613



CERTIFICATE OF APPROVAL

Approved this ____ day of _____, 2020, by the City Council of the City of Anna Texas

(Mayor)

City Secretary

DEVELOPMENT PLAT
THE KCM ADDITION
BLOCK A, LOT 1
BEING 2.932 ACRES OUT OF THE
DAVID VAN WINKLE SURVEY
ABSTRACT NO. 937
CITY OF ANNA ETJ
COLLIN COUNTY, TEXAS

OWNER
CAROL A. &
KENNETH L. MATUSZAK
P.O. BOX 158
MELISSA, TEXAS 75454
(469) 667-7158

SURVEYOR
SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
FIRM NO. 10069500

CITY OF ANNA
PLANNING & ZONING

July 6, 2019

Agenda Item No. 9

Final Plat: Mangum Addition, Block A, Lots 1 and 2

Applicant: David Surdukan

AGENDA ITEM:

Consider/Discuss/Action on a recommendation regarding the Mangum Addition, Block A, Lots 1 and 2, Development Plat.

SUMMARY:

Single-family dwelling, detached on two lots on 7.6± acres located at the northeast corner of Houston Street (FM 2862) and CR 480. Located within the extraterritorial jurisdiction (ETJ).

The purpose of the final plat is to create two platted lots.

STAFF RECOMMENDATION:

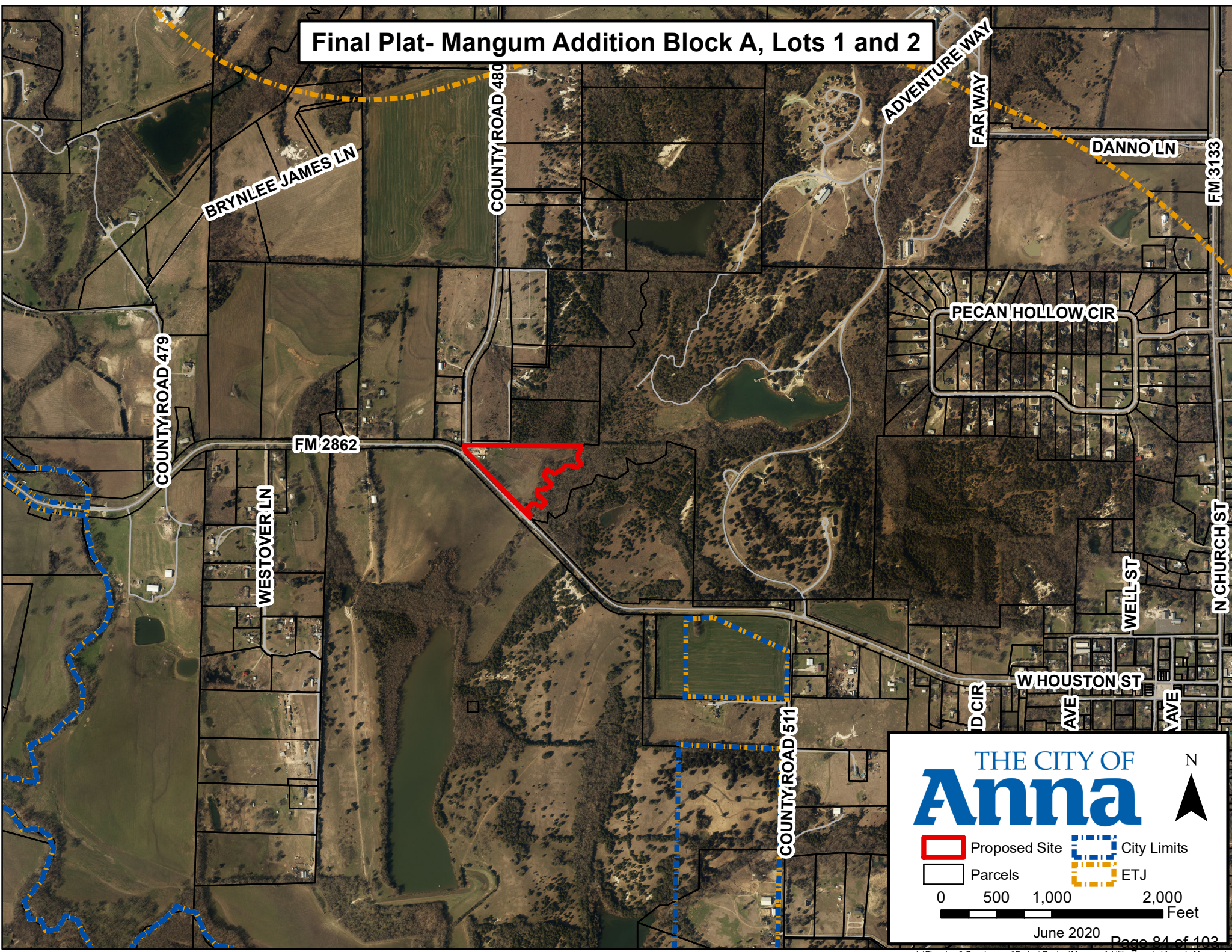
Recommended for approval as submitted.

ATTACHMENTS:

Locator

Exhibit

Final Plat- Mangum Addition Block A, Lots 1 and 2



THE CITY OF
Anna

Proposed Site
Parcels
City Limits
ETJ

0 500 1,000 2,000 Feet

June 2020

Page 84 of 102

L:\Planning & Development\Project Review\Mangum Addition\Locator\Agenda Map.mxd

1 of 2



CMP = CORRUGATED METAL PIPE
= POWER POLE
= GUYWIRE
= UG CABLE SIGN
= GAS METER
= WATER METER
= WATER VALVE
= FIRE HYDRANT

MAYOR

CITY SECRETARY

OWNERS
DANIEL L. & DALYCE B. MANGUM
13520 CR 480
ANNA, TEXAS 75409
(469) 667-7158

SURVEYOR
SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
FIRM NO. 10069500

SCALE 1" = 50'

DATE: JUNE 1, 2020

JOB No. 2020-42

Page 85 of 103

EXHIBIT A
2 of 2

OWNER'S CERTIFICATE

STATE OF TEXAS:
COUNTY OF COLLIN:

WHEREAS, Daniel L. Mangum and Dalyce B. Mangum, are the owners of a tract of land situated in the John Rowland Survey, Abstract No. 784, in the City of Anna ETJ, Collin County, Texas, and also being part of a called 7.680 acre tract of land as conveyed to Daniel and Dalyce Magnum in County Clerk No. 20181205001483350 of the Land Records of Collin County, Texas and being more particularly described in metes and bounds as follows;

BEING a 5.924 acre tract of land situated in the John Roland Survey, Abstract No. 784, in the City of Anna ETJ, Collin County, Texas, and also being part of a called 7.680 acre tract of land as conveyed to Daniel and Dalyce Magnum in County Clerk No. 20181205001483350 of the Land Records of Collin County, Texas and being more particularly described in metes and bounds as follows;

BEGINNING at Mag Nail set for the northwest corner of the called 7.680 acre tract of land and said Mag Nail also being in County Road 480;

THENCE S 88°39'01" E a distance of 551.93' to a 1/2" iron rod with yellow plastic cap stamped "4613" found for corner and said iron rod being in the south line of a 30' Right-of-Way (R.O.W.) easement recorded in County Clerk No. 20180105000027140 of the Land Records of Collin County, Texas;

THENCE S 88°08'51" E a distance of 496.62' to a point in the centerline of Elm Grove Creek;

THENCE along the meanderings of the centerline of said creek the following calls;

THENCE S 06°47'59" W a distance of 34.69' to a point for corner;
THENCE S 31°27'08" W a distance of 47.13' to a point for corner;
THENCE S 00°42'29" W a distance of 43.27' to a point for corner;
THENCE S 24°36'56" E a distance of 56.27' to a point for corner;
THENCE S 48°16'51" W a distance of 33.92' to a point for corner;
THENCE N 80°46'21" W a distance of 117.01' to a point for corner;
THENCE S 37°34'01" W a distance of 49.92' to a point for corner;
THENCE S 64°15'43" W a distance of 72.80' to a point for corner;
THENCE N 64°43'59" W a distance of 79.80' to a point for corner;
THENCE S 27°02'11" W a distance of 52.72' to a point for corner;
THENCE S 30°59'08" E a distance of 47.76' to a point for corner;
THENCE S 44°42'50" E a distance of 57.35' to a point for corner;
THENCE S 44°10'12" W a distance of 45.47' to a point for corner;
THENCE S 81°52'02" W a distance of 96.11' to a point for corner;
THENCE S 16°46'53" W a distance of 32.73' to a point for corner;
THENCE S 35°07'03" E a distance of 39.03' to a point for corner;
THENCE S 54°21'23" E a distance of 66.88' to a point for corner;
THENCE S 21°10'32" W a distance of 40.26' to a point for corner;
THENCE S 53°49'52" W a distance of 26.48' to a point for corner;
THENCE N 66°05'30" W a distance of 73.10' to a point for corner;
THENCE S 80°08'31" W a distance of 29.43' to a point for corner;
THENCE S 41°03'53" W a distance of 52.03' to a point for corner;
THENCE S 24°06'31" E a distance of 61.28' to a point for corner;
THENCE S 10°14'33" W a distance of 6.51' to a point for corner and said corner being in the northeast R.O.W. Line of F.M. 2862;

THENCE N 43°31'02" W departing the centerline of the creek and with the northeast R.O.W. Line of F.M. 2862 a distance of 791.50' to 3/8" iron rod found at the beginning of a curve to the left;

THENCE with the northeast R.O.W. Line of F.M. 2862 and along said curve to the left through a central angle of 05°27'33", a radius of 403.14', an arc length of 38.41', with a chord bearing of N 46°14'48" W, and a chord length of 38.40', to a Mag Nail set for corner in County Road 480;

THENCE N 00°07'59" E a distance of 47.85' to the POINT OF BEGINNING and containing 334,526 Square Feet or 7.680 Acres of land.

OWNER'S CERTIFICATIONS

STATE OF TEXAS:
COUNTY OF COLLIN:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Daniel L. Mangum and Dalyce B. Mangum, does hereby adopt this plat designating the hereinabove described property as **MANGUM ADDITION, BLOCK A, LOTS 1 AND 2**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

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

WITNESS my hand this the _____ day of _____, 2020.

DANIEL L. MANGUM — OWNER DALYCE B. MANGUM — OWNER

STATE OF TEXAS:
COUNTY OF COLLIN:

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared DANIEL L. MANGUM, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated and the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2020.

Notary Public in and for Collin County, Texas

My Commission Expires: _____

STATE OF TEXAS:
COUNTY OF COLLIN:

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared DALYCE B. MANGUM, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same in the capacity herein stated and the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2020.

Notary Public in and for Collin County, Texas

My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

I, DAVID J. SURDUKAN, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and 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.

David J. Surdukan
Registered Professional Land Surveyor
Registration No. 4613

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David J. Surdukan, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated and the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2020.

Notary Public in and for Collin County

My Commission Expires: _____

COLLIN COUNTY NOTES:

All lots must utilize alternative type On-Site Sewage Facilities.

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/rivers/ponds, etc. (Per State regulations).

There is a creek on lot 1. The creek/pond could affect structure/ impervious cover placement, OSSF placement, dwelling size, etc. on lot 1. It is recommended that no additional surface improvements, impervious cover, outbuildings, swimming pools, etc. planned on lot 1 without pre-construction planning meeting with Registered Sanitarian/Professional Engineer and Collin County Development Services

There were no permitted/approved existing structures or OSSFs on Lot 2 at the time of approval. Any existing structures or OSSFs on Lot 2 must be reviewed and permitted by Collin County Development Services prior to any use.

There was an existing, documented structure/dwelling and associated OSSF on lot 1 and an existing, undocumented structure/dwelling and potentially an associated OSSF on lot 1 at the time of approval.

The P.E. As-Built submitted with the plat shows all OSSF components for 5146 on lot 1 to be completely within the boundaries of lot 1.

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).

The existing OSSF on lot 1 is a conventional OSSF – if the existing system ever fails or if changes are ever made to the existing structure, repairs and/or upgrades to the existing system will NOT be allowed. The entire affected system(s) must be replaced with an approved alternative system(s) (after review and permitting through CCDS).

Tree removal and/or grading for OSSF may be required on individual lots.

There are no water wells on lots 1 or 2 of this subdivision and no water wells are allowed without prior approval from Collin County Development Services.

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.

HEALTH DEPARTMENT CERTIFICATION

I hereby certify that the onsite sewer facilities described on this plat conform to applicable OSSF laws of the State of Texas, 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

SHEET 2 OF 2
FINAL PLAT
MANGUM ADDITION
BLOCK A, LOTS 1 AND 2
BEING 7.680 ACRES OUT OF THE
JOHN ROWLAND SURVEY, ABSTRACT NO. 784
CITY OF ANNA ETJ
COLLIN COUNTY, TEXAS

OWNERS
DANIEL L. & DALYCE B. MANGUM
13520 CR 480
ANNA, TEXAS 75409
(469) 667-7158

SURVEYOR
SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
FIRM NO. 10069500

CITY OF ANNA
PLANNING & ZONING

July 6, 2019

Agenda Item No. 10

Amending Plat: Pecan Grove, Phase II

Applicant: Pecan Grove Phase II Ltd.

AGENDA ITEM:

Consider/Discuss/Action on a recommendation regarding the Pecan Grove, Phase II, Amending Plat.

SUMMARY:

152 single-family dwelling, detached lots and four HOA lots on 37.8± acres located on the north side of Foster Crossing Road (CR 366), 1,337± feet west of CR 365. Zoned Planned Development-705-2015 (PD-SF-72)

The purpose of the amending plat is to correct a scrivener's error on the recorded plat.

STAFF RECOMMENDATION:

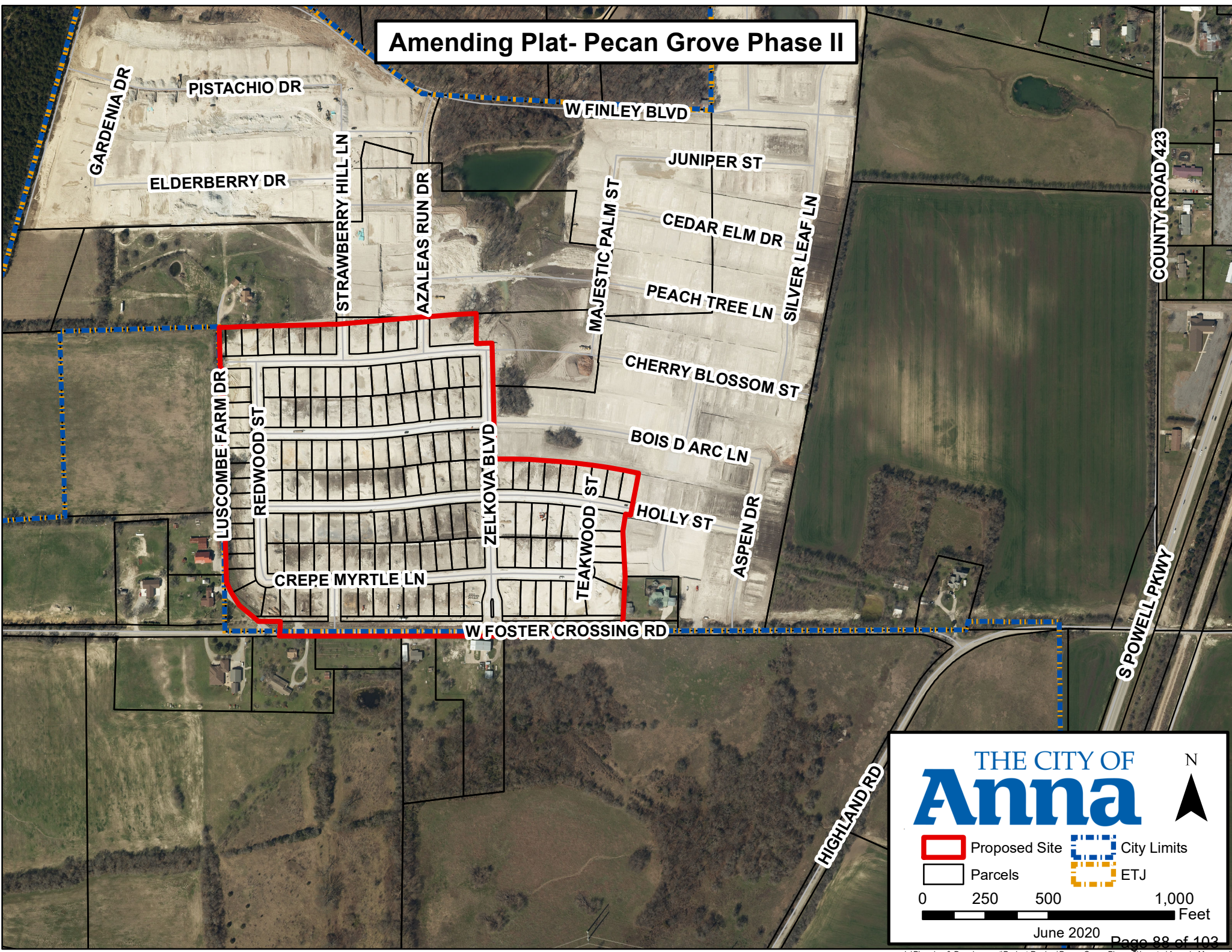
Recommended for approval as submitted.

ATTACHMENTS:

Locator

Exhibit

Amending Plat- Pecan Grove Phase II



THE CITY OF

Anna

N

Proposed Site

City Limits

Parcels

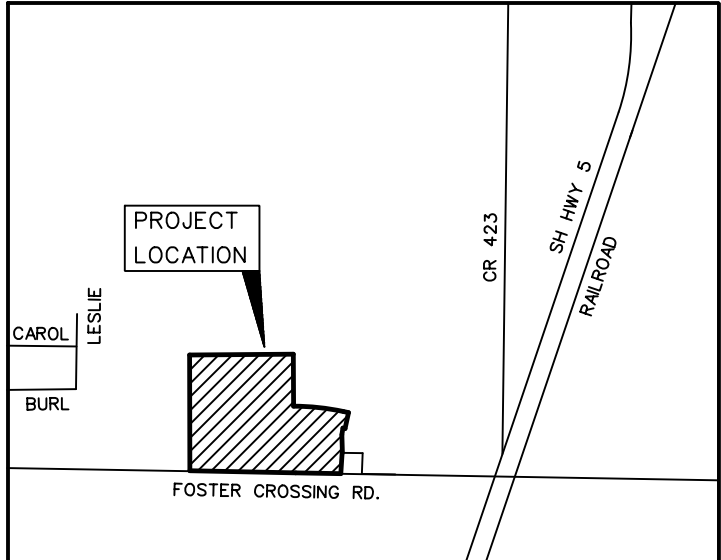
ETJ

02505001,000

Feet

June 2020

Page 88 of 102



CURVE NO.	DELTA	RADIUS	LENGTH	CHORD	BEARING
1.	114°37'44"	50.00'	100.03'	84.16'	N58°37'33"W
2.	05°31'04"	2975.00'	286.51'	286.40'	N81°08'34"E
3.	05°11'12"	2085.00'	153.26'	153.23'	N81°08'34"E
4.	02°33'55"	2085.00'	9.35'	9.35'	N89°52'42"E
5.	22°19'54"	100.00'	38.98'	38.73'	S09°45'45"E
6.	22°19'54"	100.00'	38.98'	38.73'	N12°34'13"W
7.	163°24'29"	50.00'	142.60'	98.95'	N86°19'36"E
8.	06°42'45"	325.00'	38.07'	38.05'	S04°50'56"E
9.	02°43'54"	2395.00'	114.19'	114.17'	N80°25'45"E
10.	09°36'34"	2395.00'	401.68'	401.21'	S86°35'59"E
11.	01°55'23"	2230.00'	74.85'	74.84'	S89°48'02"E
12.	03°34'49"	2230.00'	138.92'	138.90'	S86°10'07"W
13.	05°31'19"	2230.00'	312.83'	312.83'	S86°10'07"W
14.	04°33'31"	2605.00'	343.66'	343.41'	N86°07'21"E
15.	06°15'09"	2395.00'	261.36'	261.23'	N85°28'09"E
16.	05°41'19"	2540.00'	252.18'	252.07'	N85°11'14"W
17.	07°33'31"	2460.00'	324.53'	324.30'	S86°07'21"W
18.	07°33'31"	2315.00'	305.40'	305.18'	N86°07'21"E
19.	06°15'09"	2685.00'	293.00'	292.86'	N85°28'09"E
20.	08°44'47"	2830.00'	283.82'	283.71'	N85°12'58"W
21.	07°33'31"	2170.00'	286.27'	286.07'	S86°07'21"W
22.	01°27'29"	975.00'	24.81'	24.81'	N89°10'22"E
23.	02°37'29"	245.00'	22.05'	22.05'	N89°20'05"E
24.	06°56'04"	2025.00'	245.09'	244.94'	N85°48'37"E
25.	01°28'01"	2975.00'	76.17'	76.17'	N83°04'36"E
26.	04°47'08"	2975.00'	248.48'	248.40'	N86°12'10"W
27.	00°28'53"	2975.00'	25.00'	25.00'	N88°50'11"E

1. Bearings are referenced to a 30.837 acre tract, as described in Doc. No. 20154001395460, in the Deed Records of Collin County, Texas.
2. ½" iron rods with "CORWIN ENGR. INC." yellow cap set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted
3. D.E. - Drainage Easements.
B.L. - Building Line.
U.E. - Utility Easements.
IRS - Iron Rod Set
IRF - Iron Rod Found
P.W.M.E. - Private Wall Maintenance Easement
W.E. - Water Easement
◇ - Street Name Change
VAM - Visibility, Maintenance & Sidewalk Easements
4. Open Space lots (A-1, B-1, D-1, & M-1) are dedicated to and maintained by the H.O.A.
5. According to Flood Insurance Rate Map (FIRM) Map No. 48085C0155J, Dated June 2, 2009 prepared by the Federal Emergency Management Agency (FEMA) for Collin County, Texas, this property is within Zone X.

EXHIBIT A
PAGE 1 OF 2

AMENDING PLAT
OF
PECAN GROVE
PHASE II
OUT OF THE
JAMES SLATER SURVEY ABSTRACT NO. 868
R.C. INGRAHAM SURVEY, ABSTRACT NO. 464
IN THE
CITY OF ANNA
COLLIN COUNTY, TEXAS
OWNER/APPLICANT
PECAN GROVE PHASE II, LTD.

TOTAL LOTS	<u>152</u>
TOTAL ACRES	<u>37.809</u>

PREPARED BY
CORWIN ENGINEERING, INC.
TBPE FIRM #5951
TBPLS FIRM #10031700
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013
972-396-1200
JUNE 2020 SCALE: 1"=100'

LEGAL DESCRIPTION

WHEREAS, PECAN GROVE PHASE II, LTD., is the owner of a tract of land situated in the R.C. Ingraham Survey, Abstract No. 464 and the James Slater Survey, Abstract No. 868, in the City of Anna, Collin County, Texas, being part of Pecan Grove Phase II, as described in Doc. No. 2019-647 in the Plat Records in Collin County Texas, and being more particularly described as follows:

BEGINNING, at a 1/2 inch iron rod found at the southeast corner of said Pecan Grove Phase II and being in the approximate centerline of County Road 366 also being the southwest corner of a 1.0758 acre tract, as described in Doc. No. 19960624000526030, in the Deed Records of Collin County, Texas:

THENCE, South 89° 53'19" West, along the south line of said Pecan Grove Phase II and with said centerline, for a distance of 470.23 feet, to a PK Nail found:

THENCE, South 89° 54'55" West, continuing along said lines, for distance of 210.86 feet, to a PK Nail found:

THENCE, South 89° 54'07" West, continuing along said lines, for a distance of 677.23 feet, to a PK Nail set at the southeast corner of a 0.423 acre tract, as described in Doc. No. 20170913001227150, in said Deed Records:

THENCE, North 00° 05'53" West, departing said south line and said centerline and with the east line of said 0.423 acre tract, for a distance of 40.00 feet, to a 1/2 inch iron rod found:

THENCE, South 89° 54'06" West, along the east line of said 0.423 acre tract, for a distance of 85.52 feet, to a 1/2 inch iron rod found:

THENCE, North 49° 55'47" West, continuing along said east line, for a distance of 101.77 feet, to a 1/2 inch iron rod found:

THENCE, North 31° 31'47" West, continuing along said east line, for a distance of 56.76 feet, to a 1/2 inch iron rod found:

THENCE, North 25° 47'30" West, continuing along said east line, for a distance of 47.12 feet, to a 1/2 inch iron rod found:

THENCE, North 01° 18'43" West, continuing along said east line, at 273.99 feet, passing a 1/2 inch iron rod found at the northeast corner of said 0.423 acre tract and being the southeast corner of a 0.091 acre tract, as described in Doc. No. 20170913001227190, in said Deed Records, and continuing for a total distance of 471.83 feet, to a 1/2 inch iron rod found:

THENCE, North 88° 41'17" East, along the east line of said 0.091 acre tract, for a distance of 3.00 feet, to a 1/2 inch iron rod found:

THENCE, North 01° 18'43" West, continuing along said east line, for a distance of 374.64 feet, to a 1/2 inch iron rod found at the northeast corner of said 0.091 acre tract:

THENCE, South 88° 26'37" West, along the north line of said 0.091 acre tract, for a distance of 8.00 feet, to a 1/2 inch iron rod found at the northwest corner of said 0.091 acre tract and being in the west line of said Pecan Grove Phase II:

THENCE, North 01° 18'43" West, along the west line of said Pecan Grove Phase II, for a distance of 165.00 feet, to a 1/2 inch iron rod found at the northwest corner of said Pecan Grove Phase II and being in the south line of a 10.00 acre tract, as described in Doc. No. 20161208001663960, in said Deed Records:

THENCE, North 88° 28'14" East, along the north line of said Pecan Grove Phase II and the south line of said 10.00 acre tract, for a distance of 465.63 feet, to a 1/2 inch iron rod found at the southeast corner of said 10.00 acre tract:

THENCE, North 85° 10'38" East, continuing along said north line, for a distance of 371.20 feet, to a 1/2 inch iron rod found being on a non-tangent curve to the right, having a radius of 3120.00 feet, a central angle of 03° 24'15":

THENCE, continuing along said north line and said curve to the right for an arc distance of 185.38 feet (Chord Bearing North 86° 15'06" East - 185.35 feet), to a 1/2 inch iron rod found:

THENCE, South 00° 13'20" East, continuing along said north line, for a distance of 120.06 feet, to a 1/2 inch iron rod found on a non-tangent curve to the right, having a radius of 3000.00 feet, a central angle of 01° 11'32":

THENCE, continuing along said north line and with said curve to the right for an arc distance of 62.42 feet (Chord Bearing North 88° 28'37" East - 62.42 feet), to a 1/2 inch iron rod found:

THENCE, South 01° 24'16" East, continuing along said north line, for a distance of 460.02 feet, to a 1/2 inch iron rod found on a curve to the right, having a radius of 2540.00 feet, a central angle of 11° 46'38":

THENCE, continuing along said north line and with said curve to the right for an arc distance of 522.10 feet (Chord Bearing South 84° 57'07" East - 521.18 feet), to a 1/2 inch iron rod found at the point of tangency:

THENCE, South 79° 03'48" East, continuing along said north line, for a distance of 52.99 feet, to a 1/2 inch iron rod found at the most easterly northeast corner of said Pecan Grove Phase II:

THENCE, South 10° 56'12" West, along the east line of said Pecan Grove Phase II, for a distance of 170.00 feet, to a 1/2 inch iron rod found:

THENCE, North 79° 03'48" West, continuing along said east line, for a distance of 20.91 feet, to a 1/2 inch iron rod found:

THENCE, South 08° 12'18" West, continuing along said east line, for a distance of 68.74 feet, to a 1/2 inch iron rod found:

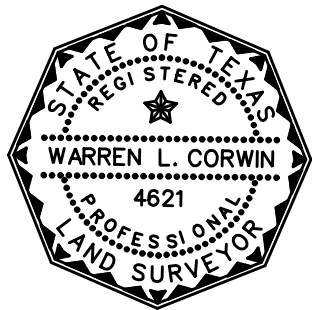
THENCE, South 02° 25'47" East, continuing along said east line, for a distance of 178.92 feet, to a 1/2 inch iron rod found at the northwest corner of said 1.0758 acre tract, as described in Doc. No. 19960624000526030, in said Deed Records:

THENCE, South 02° 46'19" West, continuing along said east line and with the west line of said 1.0758 acre tract, for a distance of 216.91 feet, to the POINT OF BEGINNING and containing 37.809 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that I, WARREN L. CORWIN, do hereby certify that I prepared this Amending 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.

WARREN L. CORWIN
R.P.L.S. No. 4621

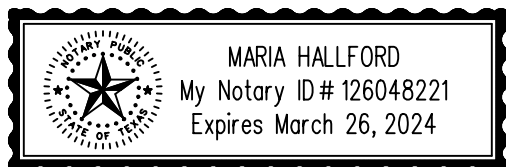


THE STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, 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 and in the capacity therein stated.

Given under my hand and seal of office, this _____ day of _____, 2020.

NOTARY PUBLIC, STATE OF TEXAS



OWNER'S CERTIFICATIONS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, PECAN GROVE PHASE II, LTD., is acting herein by and through thier duly authorized officers, does hereby adopt this amending plat designating the hereinabove described property as PECAN GROVE PHASE II, an addition to the City of Anna, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

This approved subject to all platting ordinances, rules, and regulations of the City of Anna, Texas. WITNESS my hand this the _____ day of _____, 2020.

PECAN GROVE PHASE II, LTD.
a Texas limited partnership
By: Pecan Grove Phase II GP Corporation,
a Texas corporation, its General Partner

By: _____
John Arnold, Authorized Signer

STATE OF TEXAS:
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared JOHN ARNOLD, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated and the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2020.

Notary Public in and for _____ County
My Commission Expires: _____

APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS.

MAYOR

CITY SECRETARY

AMENDING PLAT
OF
**PECAN GROVE
PHASE II**
OUT OF THE
**JAMES SLATER SURVEY ABSTRACT NO. 868
R.C. INGRAHAM SURVEY, ABSTRACT NO. 464**
IN THE
**CITY OF ANNA
COLLIN COUNTY, TEXAS**
OWNER/APPLICANT
PECAN GROVE PHASE II, LTD.
8214 WESTCHESTER DRIVE, SUITE 710
DALLAS, TEXAS 75225
214-522-4945
PREPARED BY
CORWIN ENGINEERING, INC.
TBPE FIRM *5951
TBPLS FIRM *10031700
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013
972-396-1200
JUNE 2020

MINUTES
PLANNING AND ZONING COMMISSION
June 1, 2020

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on June 1, 2020, at 111 N. Powell Parkway, Anna City Hall, to consider the following items.

1. Call to Order and Establishment of Quorum

The meeting was called to order at 7:06 p.m.

Members present were Wayne Barton, Alonzo Tutson, Danny Ussery, and Donald Henke, with Daniel Moody and Don Callahan absent. Staff present were Ross Altobelli, Lauren Mecke, Olivia Demings, Kevin Johnson with Clark McCoy present via speakerphone.

2. Invocation and Pledge of Allegiance

Commissioner 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.

Chairman Tutson thanked Former Commissioner Leslie Voss for her service to the City of Anna.

Chairman Tutson made a brief statement about the murder of George Floyd. Stating that all citizens were currently experiencing fear of the unknown, a fear that men, women, and children who look like himself experience every day. He concluded with an excerpt of the United States Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal".

7. A) Resume the public hearing to consider public comments to rezone 65.0± acres located on the south side of West White Street, 1,293± feet west of Oak Hollow Lane from Planned Development-129A-2004 and Planned Development-667-2014 to one Planned Development and to amend existing planned development standards. Applicant: David Kalohefer, Peloton Land Solutions & Don Collins

The public hearing opened at 7:14 p.m.

Mr. Altobelli stated that the item was tabled at the previous meeting due to concerns over land uses in the proposed C2 district. The applicant was asked to review land uses and has made restrictions. The facts of the zoning case have not changed, but land uses have after applicant consideration. Staff recommends approval.

David Kalohefer, 1100 Frisco St. Frisco, TX, applicant for the project, added that restrictions were made to the approved uses based on Commissioner Barton's previous concerns, nothing else had changed except for the uses.

Ms. Mecke made note of the one additional opposing comment, read into the record by Chairman Tutson.

Nanelle Serio, 1116 Cottonwood Trail, Anna, TX, urged Commissioners to preserve the tree line behind her home, expressing concerns over privacy, drainage, noise, and lighting. She thanked the Commission for tabling the zoning at the previous meeting in order to discuss the regulations further. She asked for the Commission and Developer to consider that many people are moving to Anna for its hometown feel and that this needed to be uncompromised.

The public hearing closed at 7:15 pm.

B) Consider/Discuss/Action on a recommendation regarding the request to rezone 65.0± acres from Planned Development-129A-2004 and Planned Development-667-2014 to one Planned Development and amending existing planned development standards.

Mr. Kalohefer clarified that they wanted to remove Indoor Theaters and Feed and Farm Stores from allowed uses and add Veterinarian with Inside Kennels by SUP.

Commissioner Barton added that he appreciated the applicant seriously considering the comments from the previous meeting and was pleased with the proposed list of prohibited uses. The residents of Oak Hollow refer to being promised green space, although unfortunately this was not the zoning in place during this time they bought their houses, around 2003. They thought that what was there when they bought the house we be there forever, but that is not the case. Now we have a well thought out land plan that is a significant improvement. All my concerns have been addressed.

Chairman Tutson thanked Commissioner Barton, the applicant, and staff for working together to make a good plan.

Commissioner Ussery stated that he went out and talked to Oak Hollow residents who said if they could keep some of the trees behind their homes, a 50 – 100 ft buffer, they would be appeased.

Mr. Altobelli responded that the City does not allow for clear cutting. A tree survey will need to be completed and trees that need to be replaced will be. Trees can be cut for grading and drainage.

Mr. Don Collins, applicant, also spoke with two Oak Hollow residents who mention the 50 ft tree line. Keeping these trees, however, would not be feasible with engineering requirements. Two trees would be planted per lot, with one in the front per city requirement. Mr. Collins intends to put trees requirements in the deed restrictions.

Mr. Kalohefer said trees adjacent to the property line are not strong trees. Some could be kept, but engineering will ultimately dictate this decision.

Commissioner Ussery commented that people do not want to see open space without trees.

Mr. Collins replied that they do not have that anyways. That's what we would intend builders to do, provide quality trees. We would be setting the standards for builders.

Chairman Tutson stated that Mayor and Council did address the tree ordinance recently and everyone will be pleased with the quality of trees. He thanked Commissioner Ussery and Mr. Collins for reaching out to residents. Adding, that staff will make sure no trees are cut down prior to proper procedures.

Mr. Altobelli asked if Mr. Collins and Mr. Kalohefer were willing to add a stipulation to the PD of adding three trees per lot.

Mr. Kalohefer asked what if homeowners wanted to take out the trees to build a pool.

Mr. Altobelli replied that yes, homeowners can get a permit to do this.

Mr. Kalohefer added that there was currently a planned 10 ft landscape buffer between commercial and residential development but agreed with staff to increase buffer to 20ft.

A motion was made by Commissioner Barton with the clarification that Feed and Farm Store, Food Grocery Store, and Indoor Theater uses are prohibited, seconded by Commissioner Henke to recommend approval of the rezone. The vote was unanimous.

C) Consider/Discuss/Action on a recommendation regarding the Concept Plan, The Villages at Waters Creek, Block A, Lots 1-2, Block B, Lots 1-4, Block C, Lots 1-6, 1X, Block D, Lots 1-40, Block E, Lots 1-4, 1X, Block F, Lots 1-20, 1X, Block G, Lots 1-20, associated with the rezoning request.

Mr. Altobelli stated that the concept plan meets stipulations and shows the land scape buffer.

Mr. Kalohefer clarified that they could approve the concept plan as shown and update the buffer from 10 ft to 20 ft after approval.

Commissioner Barton confirmed they were speaking about the landscape buffer on Tract A.

A motion was made by Commissioner Barton with the exception that the landscape buffer on the east side of Tract A, where C1 zoning will abut Oak Hollow, will be increased to 20 ft, seconded by Commissioner Henke to recommend approval of the concept plan. The vote was unanimous.

4. Consider/Discuss/Action on a recommendation regarding the Walker Estate, Block A, Lot 1, Development Plat. Applicant: Gary & Brenda Walker

Mr. Altobelli gave a brief presentation and answered questions from the Commission. Single Family Dwelling located in the ETJ recommended for approval as submitted.

Commissioner Henke asked for clarification of the meaning of Zone X on the plat.

Commissioner Barton answered that Zone X is overflow of the flood plain, the applicants can build there.

A motion was made by Commissioner Barton, seconded by Commissioner Ussery to recommend approval of the development plat. The vote was unanimous.

5. Consider/Discuss/Action on a recommendation regarding the EF Trinity River Addition, Block A, Lot 1, Final Plat. Applicant: David McCaskill

Mr. Altobelli gave a brief presentation and answered questions from the Commission. The property is located in the ETJ and is proposing to consolidate three lots into one. It is recommended for approval with the conditions of providing OSSF notes from Collin County and proof of access to utilities.

Commissioner Barton asked why the applicant submitted a final plat, as opposed to a development plat.

Mr. Altobelli responded that the purpose of this plat was the purchase of the land as one lot.

A motion was made by Commissioner Henke seconded by Commissioner Ussery to recommend approval of the final plat with the conditions of providing Collin County OSSF notes and proof of access to utilities. The vote was unanimous.

6. Consider/Discuss/Action on a recommendation regarding the Anna Ranch, Phase 1, Final Plat.
Applicant: Jamie Marcoux, LJA Surveying

Mr. Altobelli gave a brief presentation and answered questions from the Commission. 257 SF-60 residential lots. Civils have been reviewed and approved. The next step is to approve the final plat before construction begins on public improvements.

Commissioner Barton confirmed with Mr. Altobelli that the plan matched the preliminary plat.

A motion was made by Commissioner Barton, seconded by Commissioner Tutson to recommend approval of the final plat. The vote was unanimous.

8. A) Conduct a public hearing regarding text amendments to Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances.

The public hearing opened at 8:01 p.m.

There were no public comments.

Mr. Altobelli gave a brief presentation and answered questions from the Commission. During the last few months, staff has looked at regulations in order to modernize, simplify, and make cost effective. Staff provided changes to the Commissioners a week in advance in order to have time to provide any comments. Number 17 on the proposed changes list, is asking for commission direction on side yard setbacks.

Commissioner Henke agreed that 10% of the lot made sense.

Commissioner Barton agreed, as well, that this made sense and was consistent with development standards in North Texas. We are allowing 5 ft side yards anyways.

Commissioner Ussery recalled that 15ft side yards were discussed in the Neighborhood Design Standards.

Mr. Altobelli responded that no builders were doing 10 ft or 15 ft side yards. The city would have to keep doing PD's for each subdivision, unless 5 ft side yards were adopted into the code.

Commissioner Barton stated that 10% of the lot with a minimum of 5ft would allow for a building separation of 10 ft and most yards would end up with a little bit bigger.

Mr. Altobelli continued, stating that the department is allowing for sustainably conforming site plans to be able to be approved in house for minor changes and will change designee to the Directors of Development Services in order to give the proper authority to whoever needs it and allow staff to

do their jobs. We intend to simply definitions and uses to consolidate and streamline the code and bring it into the future.

The public hearing closed at 8:04 p.m.

B) Consider/ Discuss/Action on a recommendation regarding text amendments to Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances.

A motion was made by Chairman Tutson seconded by Commissioner Ussery to recommend approval of the text amendments. The vote was unanimous.

9. Consider action to approve minutes of the May 4, 2020 Planning and Zoning meeting.

Chairman Tutson thanked staff for detailed minutes.

A motion was made by Commissioner Ussery to approve the minutes, seconded by Commissioner Henke. The vote was unanimous.

10. Adjourn

A motion was made by Commissioner Henke seconded by Chairman Tutson to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:09 p.m.

Alonzo Tutson
Planning and Zoning Commission Chairman

ATTEST:

CITY OF ANNA
PLANNING & ZONING

July 6, 2019

Agenda Item No. 12

Public hearing – Replat: Anna Crossing, Phase 7, Block 3, Lots 1R – 5R

Applicant: Bannister Engineering

AGENDA ITEM:

A) Conduct a public hearing to consider public comments on a residential replat for Anna Crossing, Phase 7, Block 3, Lots 1R - 5R.

B) Consider/Discuss/Action on a recommendation regarding the Anna Crossing, Phase 7, Block 3, Lots 1R - 5R, Replat.

SUMMARY:

5 single-family dwellings, detached lots on 0.8± acre located at the southwest corner of Maverick Street and Allyssa Street. Zoned Planned Development-236-2005 (PD-SF-72/SF-60).

The purpose of this replat is to abandon the 25' building line along Cody Drive for the five lots.

STAFF RECOMMENDATION:

Recommended for approval as submitted.

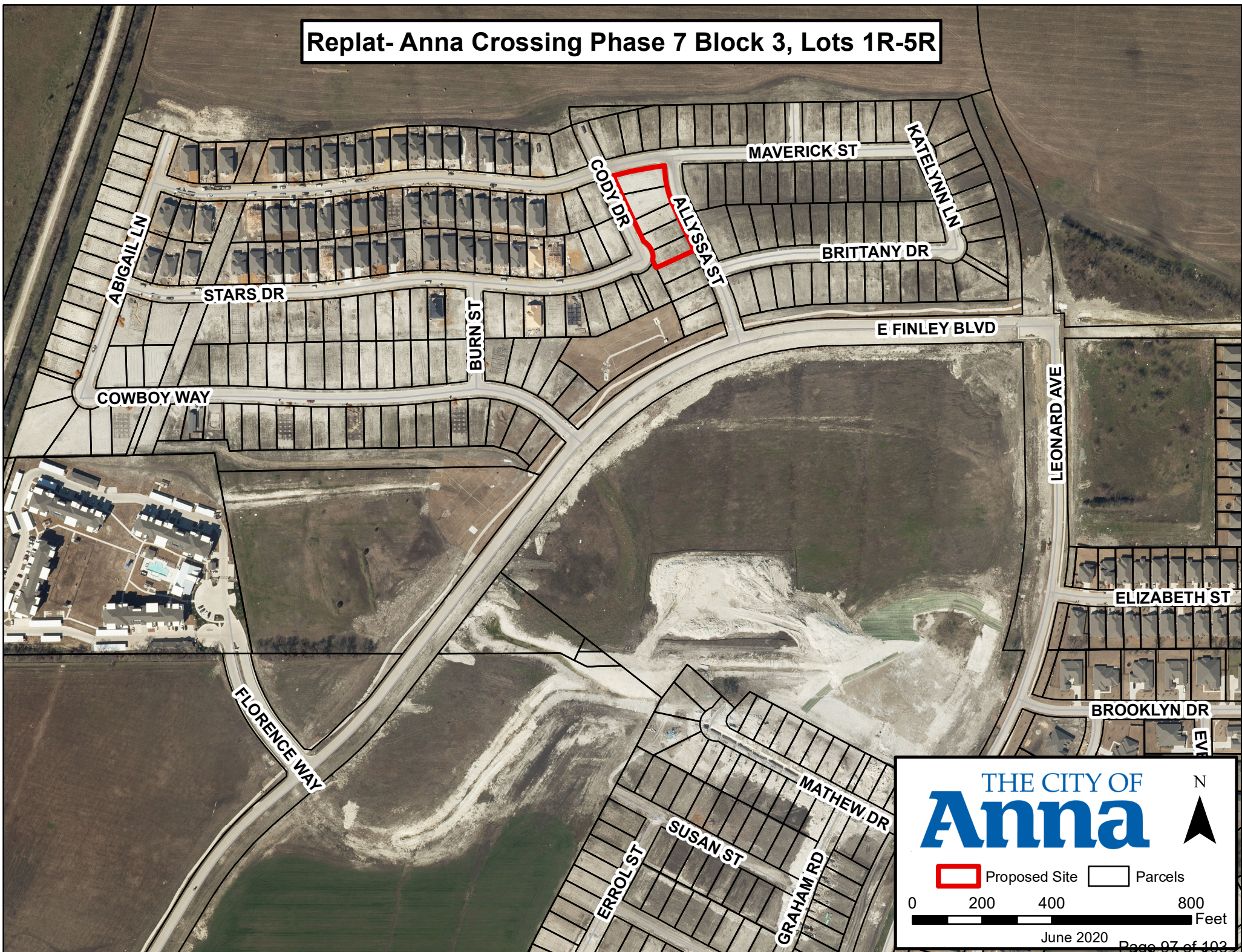
ATTACHMENTS:

Locator

Exhibit

Response(s)

Replat- Anna Crossing Phase 7 Block 3, Lots 1R-5R

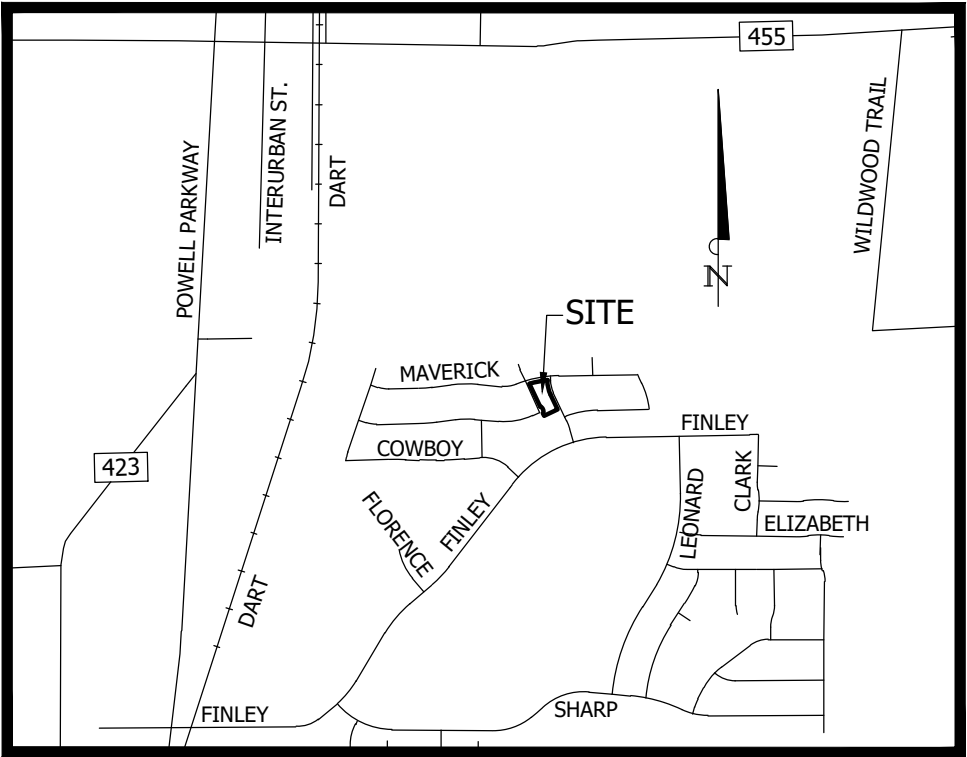


THE CITY OF
Anna

Legend:
[Red Outline] Proposed Site
[Black Outline] Parcels

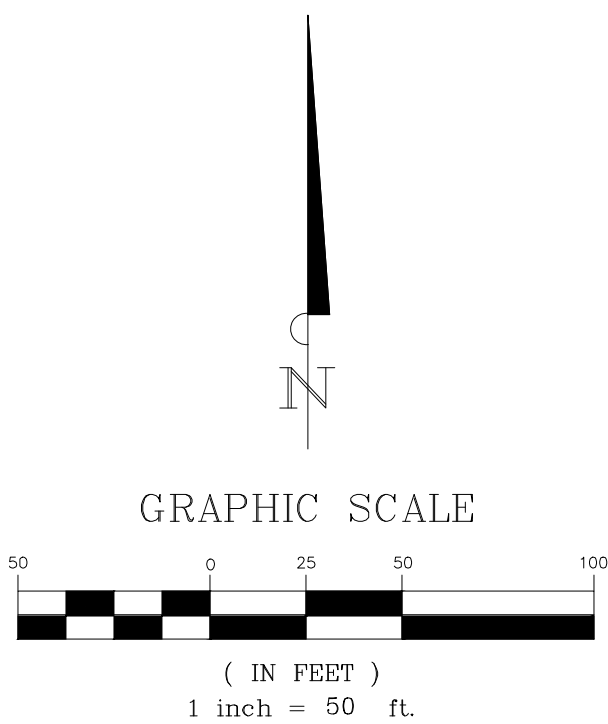
Scale: 0 200 400 800 Feet

North Arrow: N



VICINITY MAP
NOT TO SCALE
ANNA, TEXAS

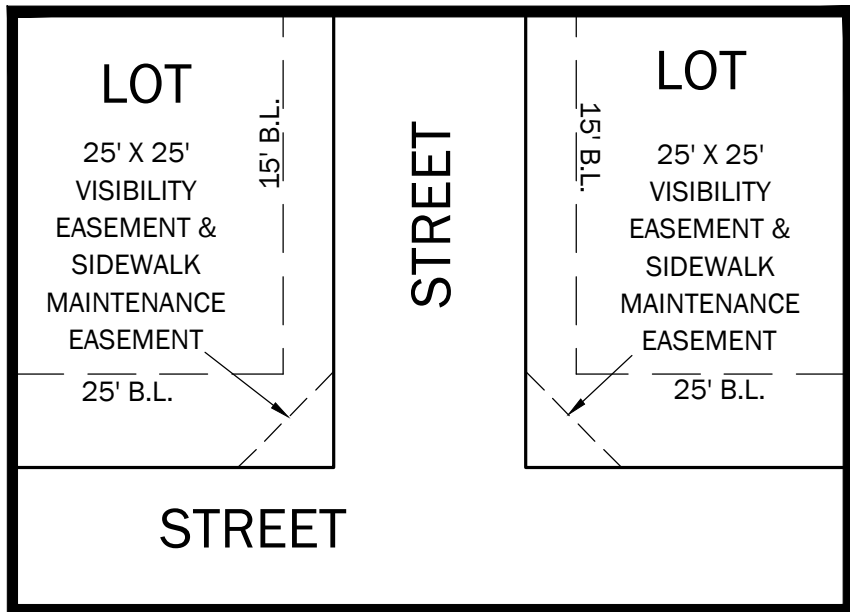
EXHIBIT A



LEGEND

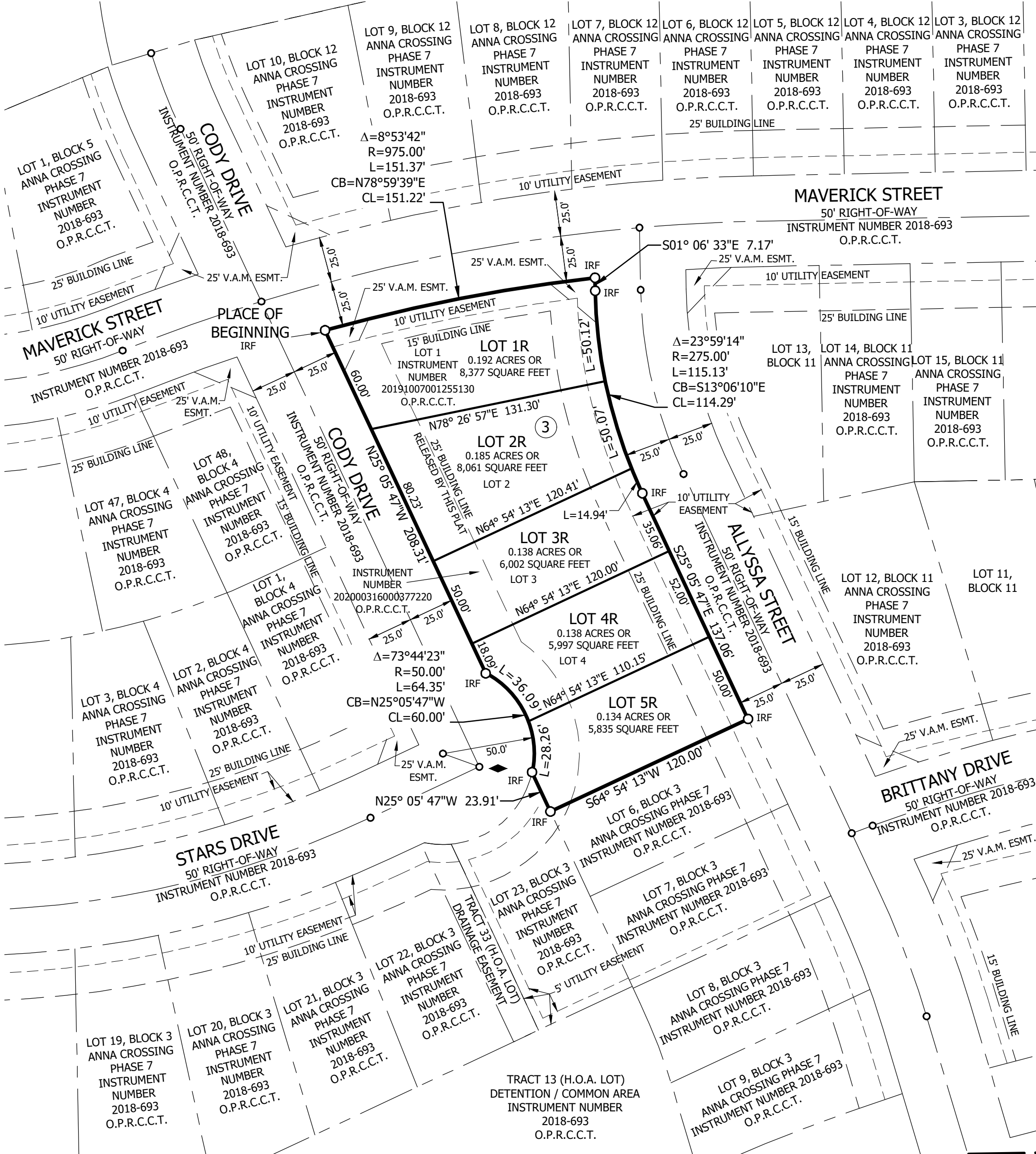
N NORTH
S SOUTH
E EAST
W WEST
° DEGREES
' MINUTES/FEET
" SECONDS/INCHES
O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS
COLLIN COUNTY, TEXAS
P.R.C.C.T. PLAT RECORDS
COLLIN COUNTY, TEXAS
IRF = 5/8" IRON ROD WITH
CAP STAMPED "RPLS
4838" FOUND
25' V.A.M. ESMT.
25' VISIBILITY, ACCESS,
MAINTENANCE &
SIDEWALK EASEMENT
B.L. BUILDING LINE
U.E. UTILITY EASEMENT

(X) BLOCK DESIGNATION
◆ STREET NAME CHANGE



LOT EASEMENT & BUILDING LINE DETAIL

NOT TO SCALE



STATE OF TEXAS §
COUNTY OF COLLIN §

I, _____ Mayor, City of Anna, Collin County, Texas, do hereby
certify that the above plat and dedication was approved by the City of Anna,
Texas, for filing in the map or deed records of Collin County, Texas, on the
_____ day of _____, 2020.

Mayor
City of Anna, Texas

ATTEST:

City Secretary
City of Anna, Texas

OWNER'S CERTIFICATE:

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS **D.R. HORTON-TEXAS, LTD.**, acting by and through the undersigned, its duly authorized agent is the owner of 34,271 square feet (0.787 acre) of land in the Granderson Stark Survey, Abstract Number 798, City of Anna, Collin County, Texas; said 34,271 square feet (0.787 acre) of land being all of that certain tract of land described as Lots 1 thru 5, Block 3, Anna Crossing Phase 7 (hereinafter referred to as Lot 1, Lot 2, Lot 3, Lot 4 and/or Lot 5), an addition to the City of Anna, Collin County, Texas, according to the plat recorded in Instrument Number 2018-693, Plat Records, Collin County, Texas (P.R.C.C.T.) and said 34,271 square feet (0.787 acre) of land being all of that certain tract of land described in a Special Warranty Deed to D.R. HORTON-TEXAS, LTD., as recorded in Instrument Number 20191007001255130, Official Public Records, Collin County, Texas (O.P.R.C.C.T.) and being all of that certain tract of land described in a Special Warranty Deed to D.R. HORTON-TEXAS, LTD., as recorded in Instrument Number 20200316000377220, O.P.R.C.C.T.; said 34,271 square feet (0.787 acre) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the intersection of the existing South right-of-way line of Maverick Street (50' right-of-way), as recorded in Instrument Number 2018-693, P.R.C.C.T. with the existing Northeasterly right-of-way line of Cody Drive (50' right-of-way), as recorded in Instrument Number 2018-693, P.R.C.C.T., same being the Northwest corner of said Lot 1, same also being the beginning of a curve to the right, whose long chord bears North 78 degrees 59 minutes 39 seconds East, a distance of 151.22 feet;

THENCE Easterly with the common line between said Lot 1 and the existing South right-of-way line of said Maverick Street and with said curve to the right having a radius of 975.00 feet, through a central angle of 8 degrees 53 minutes 42 seconds, for an arc distance of 151.37 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northeast corner of said Lot 1, same being the intersection of the existing South right-of-way line of said Maverick Street with the existing West right-of-way line of Allysia Street (50' right-of-way), as recorded in Instrument Number 2018-693, P.R.C.C.T.;

THENCE South 01 degree 06 minutes 33 seconds East with the common line between said Lot 1 and the existing West right-of-way line of said Allysia Street, a distance of 7.17 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner, same being the beginning of a curve to the left, whose long chord bears South 13 degrees 06 minutes 10 seconds East, a distance of 114.29 feet;

THENCE Southerly, continue with the common line between said Lot 1 and the existing West right-of-way line of said Allysia Street and with said curve to the left, pass at an arc distance of 50.12 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southeast corner of said Lot 1, same being the Northeast corner of said Lot 2, continue with said course, with the common line between said Lot 2 and the existing West right-of-way line of said Allysia Street, pass at an arc distance of 100.19 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southeast corner of said Lot 2, same being the Northeast corner of said Lot 3, continue with said course, with the common line between said Lot 3 and the existing West right-of-way line of said Allysia Street for a total arc distance of 115.13 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner;

THENCE South 25 degrees 05 minutes 47 seconds East, continue with the common line between said Lot 3 and the existing West right-of-way line of said Allysia Street, pass at a distance of 35.06 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southeast corner of said Lot 3, same being the Northeast corner of said Lot 4, continue with said course, with the common line between said Lot 4 and the existing West right-of-way line of said Allysia Street, pass at a distance of 87.06 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southeast corner of said Lot 4, same being the Northeast corner of said Lot 5, continue with said course, with the common line between said Lot 5 and the existing West right-of-way line of said Allysia Street for a total distance of 137.06 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southeast corner of said Lot 5, same being the Northeast corner of that certain tract of land described as Lot 6, Block 3, Anna Crossing Phase 7 (hereinafter referred to as Lot 6), an addition to the City of Anna, Collin County, Texas, according to the plat recorded in Instrument Number 2018-693, P.R.C.C.T.;

THENCE South 64 degrees 54 minutes 13 seconds West, departing the existing West right-of-way line of said Allysia Street, with the common line between said Lot 5 and said Lot 6, a distance of 120.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southwest corner of said Lot 5, same being the Northwest corner of said Lot 6, same also being the Northeasterly line of that certain tract of land described as Lot 23, Block 3, Anna Crossing Phase 7 (hereinafter referred to as Lot 23), an addition to the City of Anna, Collin County, Texas, according to the plat recorded in Instrument Number 2018-693, P.R.C.C.T.;

THENCE North 25 degrees 05 minutes 47 seconds West with the common line between said Lot 5 and said Lot 23, a distance of 23.91 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northeast corner of said Lot 23, same being a tie point in the Westerly line of said Lot 5, same being the existing East right-of-way line of the aforesaid Cody Drive, same also being the beginning of a non-tangent curve to the left, whose long chord bears North 25 degrees 05 minutes 47 seconds West, a distance of 60.00 feet;

THENCE Northwesterly with the common line between said Lot 5 and the existing East right-of-way line of said Cody Drive, with said non-tangent curve to the left having a radius of 50.00 feet, through a central angle of 73 degrees 44 minutes 23 seconds, pass at a distance of 28.26 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northwest corner of said Lot 5, same being the Southwest corner of said Lot 4, continue with said course, with the common line between said Lot 4 and the existing East right-of-way line of said Cody Drive for a total arc distance of 64.35 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner;

THENCE North 25 degrees 05 minutes 47 seconds West, continue with the common line between said Lot 4 and the existing East right-of-way line of said Cody Drive, a distance of 18.09 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northwest corner of said Lot 4, same being the Southwest corner of said Lot 3, continue with said course, with the common line between said Lot 3 and the existing East right-of-way line of said Cody Drive, pass at a distance of 68.06 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northwest corner of said Lot 3, same being the Southwest corner of said Lot 2, continue with said course, with the common line between said Lot 2 and the existing East right-of-way line of said Cody Drive, pass at a distance of 148.29 feet, a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northwest corner of said Lot 1, continue with said course, with the common line between said Lot 1 and the existing East right-of-way line of said Cody Drive for a total distance of 208.31 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 34,271 square feet (0.787 acre) of land.

GENERAL NOTES:

- All bearings shown herein are Texas State Plane Coordinate System, NAD83 (CORS), Texas North Central Zone (4202). All distances shown herein are surface distances.
- According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) "Flood Insurance Rate Map" (FIRM), Community Panel No. 48085C0160J dated June 2, 2009. The property appears to lie within Zone "X" and the entire property lies within a "Areas determined to be outside the 0.2% annual chance floodplain" zone as defined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, or the Federal Emergency Management Agency.
- The above referenced "FIRM" map is for use in administering the "NFIP"; it does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surface or subsurface conditions existing on or near the subject property which are not studied or addressed as a part of the "NFIP".
- All iron rods found (IRF) are 5/8-inch with a plastic cap stamped "RPLS 4838". All found monuments shown herein are deemed to be controlling monuments.
- Notice: Selling a portion of this addition by metes and bounds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.
- The purpose of this Replat is to release and/or abandon 25' Building Line along Cody Drive as shown on the original plat.

OWNER'S CERTIFICATION:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT **D.R. HORTON-TEXAS, LTD.**, acting herein by and through it's duly authorized officers, does hereby adopt this plat designating the hereinabove described property as **ANNA CROSSING PHASE 7**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

This approved subject to all platting ordinances, rules, and regulations of the City of Anna, Texas.
WITNESS my hand this the _____ day of _____, 2020.

Horton - Texas, Ltd.
a Texas limited partnership

By: D.R. Horton, Inc.
a Delaware corporation
Its Authorized Agent

By: David L. Booth,
Assistant Vice President

STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2020, by David L. Booth, Assistant Vice President of D.R. Horton, Inc., a Delaware corporation, the authorized agent of D.R. Horton - Texas, Ltd., a Texas limited partnership, on behalf of said corporation and limited partnership.

Notary Public in and for the State of Texas

My Commission Expires: _____

SURVEYOR'S CERTIFICATION:

STATE OF TEXAS §

COUNTY OF TARRANT §

THIS is to certify that I, Michael Dan Davis, Registered Professional Land Surveyor Number 4838 for the State of Texas, have performed, for this plat, an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction or supervision.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR
ANY PURPOSE AND SHALL NOT BE USED OR
VIEWED AS A FINAL SURVEY DOCUMENT

Michael Dan Davis DATE:
Registered Professional Land Surveyor No. 4838
BANNISTER ENGINEERING, LLC
T.B.P.L.S. REGISTRATION NO. 10193823
240 N. MITCHELL ROAD
MANSFIELD, TEXAS 76063
Office (817) 842-2094



STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally Michael Dan Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2020.

Notary Public in and for the State of Texas

My Commission Expires: _____

REPLAT

OF

ANNA CROSSING PHASE 7

LOTS 1R thru 5R, BLOCK 3

Being a revision to Lots 1 thru 5, Block 3, Anna Crossing Phase 7, an addition to the City of Anna, Collin County, Texas, according to the plat recorded in Instrument Number 2018-693, Plat Records, Collin County, Texas, Being 0.787 acre out of the Granderson Stark Survey, Abstract Number 798 City of Anna, Collin County, Texas 5 Residential Lots Preparation Date: May 2020 Revision Date: _____ SHEET 1 OF 1

BANNISTER
ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823 PROJECT NO.: 090-16-007

ENGINEER / SURVEYOR:
BANNISTER ENGINEERING, LLC
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
CONTACT: MICHAEL DAVIS, RPLS
PHONE: 817-842-2094
Mike@bannistereng.com

OWNER / DEVELOPER:
D.R. HORTON-TEXAS, LTD.
4306 MILLER ROAD
ROWLETT, TEXAS 75088
PHONE: 214-607-4244



APPLICANTS AND/OR AGENTS ARE EXPECTED TO ATTEND.

Please circle one:

In favor of request

Neutral to request

Opposed to request

Comments:

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

David L Booth
Name (Please Print)

D L Booth
Signature

4306 Milken Road Rowlett TX
Address

6/24/20
Date

Please return form to:

USPS Mail:

City of Anna
Planning and Development Department
P.O. Box 776
Anna, TX 75409

Hand Delivery:

Planning and Development Department
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to ODEMMINGING@annatexas.gov

Subject: Replat Response – Anna Crossing PH 7

CITY OF ANNA
PLANNING & ZONING

July 6, 2019

Agenda Item No. 13

Alternative Screening Material Request: Victoria Falls Center Addition, Block A, Lot 1

Applicant: David Cox

AGENDA ITEM:

Consider/Discuss/Action on a recommendation for an alternative screening material.

SUMMARY:

Section 9.04.039 *Screening Device Requirements* states that mechanical and heating and air conditioning equipment in nonresidential and multifamily uses shall be screened from view from the public right-of-way and from adjacent residential property. It also states that the screening material must be masonry, living screen, or combination.

The equipment to be screened is located on top of an existing building. The applicant is requesting to use metal R panel. The excerpt below explains the variance process.

“A variance from the regulations in this article may be recommended by the planning and zoning commission to the city council for final approval only if:

- (A) Unique circumstances exist on the property that make application of specific items in this article unduly burdensome on the applicant;
- (B) The variance will have no adverse impact on current or future development;
- (C) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
- (D) The variance will have no adverse impact on the public health, safety, and general welfare; and
- (E) A financial hardship shall not be considered a basis for the granting of a variance.”

Staff finds that this section does not provide clear direction for roof-mounted equipment and should be revised in the future. Staff finds the proposed metal R panel screening will have no adverse impact on development, is in keeping with the spirit of the zoning regulations, and will not negatively impact the public health, safety, and general welfare.

STAFF RECOMMENDATION:

Recommended for approval as submitted.

ATTACHMENTS:

Letter of Request

Exhibit

CAREY COX COMPANY

PO Box 977
McKinney, Texas 75070
(972) 562-8003
www.careycoxcompany.com

June 29, 2020

Planning and Zoning Commission
City of Anna
PO Box 776
Anna, Texas 75409-0776

RE: Variance Request for an Alternate Screening Device at Sunview Cafe at 2010 W. White Street

Dear Commissioners,

We are requesting a variance for Sunview Café, located at 2010 W. White Street, to install an alternate screening device around their rooftop mechanical equipment. Sunview Café would like approval to enclose the rooftop equipment with 36" - 40" tall beige metal R panel, as depicted in the enclosed photo.

The Zoning Ordinance requires mechanical, heating and air conditioning equipment in nonresidential uses be screened from view from the public right-of-way and from adjacent residential property by a 6' minimum masonry wall or wrought iron fence with living screen, or by an alternate equivalent screening device as approved by the commission.

Thank you very much for your consideration. If you have any questions, please contact me at 972-333-3900 or dcox@careycoxcompany.com.

Respectfully,

David Cox



Active Industrial Member of the SOCIETY OF INDUSTRIAL AND OFFICE REALTORS

