AGENDA

City Council Meeting
Planning and Zoning Commission
Joint Meeting

Tuesday, March 8, 2022 @ 6:30 PM

Anna ISD Board Room
201 E. 7th Street
Anna, Texas, 75409

The City Council and the Planning and Zoning Commission of the City of Anna will meet at 6:30 PM, on March 8, 2022, at the Anna ISD Board Room located at 201 E. 7th Street, Anna, Texas, 75409, to consider the following items.

Welcome to the Joint Meeting. Please sign the Sign-in Sheet as a record of attendance. If you wish to speak on an Open Session agenda item, please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.

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

2. **Invocation and Pledge of Allegiance.**

3. **Neighbor Comments.**

   At this time, any person may address the City Council regarding an item on this meeting Agenda that is not scheduled for public hearing. Also, at this time, any person may address the City Council regarding an item that is not on this meeting Agenda. Each person will be allowed up to three minutes to speak. No discussion or action may be taken at this meeting on items not listed on this Agenda, other than to make statements of specific information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

4. **Reports.**

   Receive reports from Staff or the City Council about items of community interest.

   Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the Agenda.

   a. Update on TXDOT Meeting with Staff

5. **Work Session.**

6. **Consent Items.**

These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

a. Approve City Council Meeting Minutes from the February 22, 2022, Meeting. (City Secretary Carrie Land)

b. Review minutes of the February 7, 2022, Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)

c. Review minutes of the January 24th, 2022 Parks Advisory Board Meetings. (Director of Neighborhood Services Marc Marchand)

d. Approve an Ordinance declaring the Election to the Office of Three City Council Members and the Unopposed Candidates for Election to those offices. (City Secretary Carrie Land)

e. Approve a Resolution regarding the Dunkin Estates, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

f. Approve a Resolution regarding the Anna Town Center Addition, Block A, Lots 10R & 11R, Replat. (Director of Development Services Ross Altobelli)

g. Approve a Resolution regarding the Anna Town Center Addition, Block A, Lot 11R, Site Plan. (Director of Development Services Ross Altobelli)

h. Approve a Resolution regarding the East Foster Crossing, Block A, Lot 1, Site Plan. (Director of Development Services Ross Altobelli)

i. Development Agreement – Anna West (Director of Development Services Ross Altobelli)

Approve a Resolution entering into a Development Agreement with Yn, LLC, to establish development and design regulations for residential and nonresidential development on 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

j. Development Agreement – Avery Pointe Commercial, Block A, Lot 3 (Director of Development Services Ross Altobelli)

Approve a Resolution entering into a development agreement with Anna 455 Commercial, LP to establish development and design regulations for self-storage, mini-warehouse development on 3.9± acres located on the east side of Ferguson Parkway, 314± feet north of W. White Street.

k. Approve a Resolution entering into a Professional Services Agreement with New Line Skateparks and authorizing the City Manager to execute the contract. (Director of Neighborhood Services Marc Marchand)

l. Approve an Ordinance revising the International Property Maintenance Code and Amending Chapter 4 of the Anna City Code of Ordinances. (Neighborhood Services Director Marc Marchand)

7. **Items For Individual Consideration.**

a. Planned Development Amendment, Avery Point Commercial, Block A, Lots 1R & 3 (Director of Development Services Ross Altobelli)

1) Conduct a Joint Public Hearing with the Planning and Zoning Commission regarding a request to amend Permitted Uses and General Conditions in

Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3.

2) Planning & Zoning Commission - Consider/Discuss/Action on a recommendation regarding the request to amend Permitted Uses and General Conditions in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3.

3) City Council - Consider/Discuss/Action on a recommendation from the Planning and Zoning Commission and Ordinance to amend Permitted Uses and General Conditions in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3.

4) Planning & Zoning Commission - Consider/Discuss/Action on a recommendation regarding the Avery Pointe Commercial, Block A, Lot 3, Concept Plan.

5) City Council - Consider/Discuss/Action on a recommendation from the Planning and Zoning Commission and Resolution regarding the Avery Pointe Commercial, Block A, Lot 3, Concept Plan.

6) Planning & Zoning Commission - Adjourn

b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance amending Appendix 2. Schedule of Uses within Article 9.04 Zoning Ordinance of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances. (Director of Development Services, Ross Altobelli)

c. Annexation - Anna West (Director of Development Services Ross Altobelli)

1) Consider/Discuss/Action on a Resolution approving an Agreement regarding services including a plan for municipal services regarding 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

2) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to annex 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

d. Zoning - Anna West (Director of Development Services Ross Altobelli)

1) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to establish zoning for 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287. Currently zoned: Extraterritorial Jurisdiction (ETJ).

2) Consider/Discuss/Action on a Resolution regarding the Anna West, Block A, Lot 1, Concept Plan.

e. Consider/Discuss/Action on a Resolution regarding the Nelson Ranch, Block A, Lots 1-6 & Block B, Lot 1, Final Plat.

f. Approve a Resolution setting a public hearing under Section 372.009 of the Texas Local Government Code on the advisability of the creation of a public improvement district and improvements within the City of Anna, Texas, for the

AnaCapri development and authorizing the issuance of notice by the City Secretary of Anna, Texas, regarding the public hearing. (Director of Economic Development Joey Grisham)

8. **Closed Session (Exceptions).**

Under Tex. Gov't Code Chapter 551, the City Council may enter into Closed Session to discuss any items listed or referenced on this Agenda under the following exception

a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Annexation Petition.

b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).

c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087).

d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). Boards and Commissions and officers of Anna Economic Development Corporations and Anna Community Development Corporation.

The Council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

10. **Adjourn.**

This is to certify that I, Carrie L. Land, City Secretary, posted this Agenda on the City's website (www.annatexas.gov) and at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m. on Friday, March 4, 2022.

Carrie L. Land

Carrie L. Land, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

Item No. 4.a.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Gregory Peters

AGENDA ITEM:
Update on TXDOT Meeting with Staff

SUMMARY:
The City of Anna held a coordination meeting with TxDOT Dallas District Engineer Mo Bur on Monday, February 28, 2022 at 10am in the Central Fire Station. The following attendees were present at the meeting:

- Mo Bur, P.E., District Engineer, TxDOT Dallas
- Jennifer Vorster, P.E., Area Engineer, Collin County
- Gerald Waltman, P.E., Assistant Area Engineer, Collin County
- Jim Proce, ICMA, City Manager, City of Anna
- Ryan Henderson, Assistant City Manager, City of Anna
- Joey Grisham, Economic Development Director, City of Anna
- Greg Peters, P.E., Public Works Director, City of Anna

The meeting was very positive and productive. The following items were discussed:

<u>Introductions & General Discussion on Growth of Anna</u>

- All attendees introduced themselves. Mo Bur explained that he wanted to meet with Anna to better understand our concerns and needs in the community. Mr. Bur explained that he recognizes that Anna is experiencing unprecedented growth and changing needs.
- Joey Grisham and Jim Proce provided an overview on the active development projects in the City and the growth volumes in single family, multi-family, and commercial development.
- Mo Bur agreed that Anna is growing very fast, which is having significant impacts on existing transportation corridors, creating challenges for the City of Anna, Collin County, and TxDOT.

<u>Right-of-Way Maintenance on US 75</u>

- Jim Proce explained that there are community concerns regarding trash and high grass along TxDOT corridors, particularly along US 75. Mo Bur acknowledged that there have been challenges in addressing the growing volume of trash and littering on major corridors like US 75 in our region. Greg Peters will be following

up with Jennifer Vorster to see what options are available to work together to better address this concern. Mo Bur has directed TxDOT staff to provide options for Anna for future consideration for addressing our specific needs and wants.

SH 5 Widening

- Jennifer Vorster provided an update on the status of the SH 5 widening through Melissa and Anna. The engineering plans are complete.
- TxDOT has not yet funded the construction of the segment from the Collin County Outer Loop to Hackberry (Project A). Project B (Hackberry to the northern County line) is also not yet funded. Mo Bur explained that he wants this project to be shovel ready, so that it can better compete for federal and state funding. Funding is tentatively expected to occur in the 5-year window between 2021-2026.
- Greg Peters explained the current status of the utility relocation design, which is that the plans are 75% complete and the City will be moving into the easement acquisition phase soon. Greg and Jennifer gave Mr. Proce and Mr. Bur an update based on the meeting Greg and Jennifer had last Friday to review Anna's utility plans.
- Greg Peters explained that there is very little room between the new TxDOT right-of-way line and some existing buildings and houses, particularly along the west side of SH 5 and south of FM 455. Greg explained that a significant length of the waterline relocation may require directional boring instead of open cut construction due to the narrow path.

US 75 Widening

- Jennifer Vorster provided an update on the status of the US 75 widening from Rosamond Parkway up to the (Collin/Grayson) County line.
- TxDOT has not yet funded the construction of the segment but has completed some significant design work. Mo Bur explained that he wants this project to be shovel ready, so that it can better compete for federal and state funding. Funding is tentatively expected to occur in the 5-year window of 2021-2026.
- Greg Peters explained the current status of the utility relocation design, which is that the plans are 90% complete and the City will be moving into the easement acquisition phase soon.

Traffic Signal Needs

- Mo Bur brought up the growing traffic on SH 5 and FM 455 and the recent traffic studies completed by the City of Anna. He explained that TxDOT concurred with the findings of Anna for both the Finley intersection and the Oak Hollow Drive intersection.
- Mo Bur explained that Collin County Commissioner Duncan Webb was

instrumental in helping TxDOT and the City of Anna get the railroad to step up their efforts on the SH 5/County Road 371 signal. While Commissioner Webb does not represent Anna, he was the only County level executive who sought to assist Anna. Mr. Bur stated that Commissioner Webb was engaging with multiple levels of State and Federal decision makers, along with high level personnel at the railroad to get action taken.

- Discussion shifted specifically to the SH 5 and Finley traffic signal request. Greg Peters explained that the first step will be for TxDOT to construct left turn lanes in SH 5. Jennifer and Greg explained that per the crash data, the left turn lanes will address the largest problem, which is rear-end collision during left turns.
- Jennifer Vorster explained that TxDOT is starting the engineering design for the Finley signals later this month. She also explained that based on the information available, TxDOT does not believe that DGNO has installed any signal pre-emption equipment at the railroad crossing of Finley. She explained that this impacts the traffic signal schedule, and that it typically takes 2 years to get a signal installed when railroad signal pre-emption is not yet in place. The majority of this time is spent with TxDOT coordinating with the railroad to get agreements signed, equipment ordered, and installation of the pre-emption equipment.
- Greg Peters explained that the biggest desire for the City is to minimize the anticipated 2-year timeline. He explained that he would like to have a list of options to present to the City Council with funding options and time saved, so that the Council could decide whether it makes sense for the City to invest in the Finley signal project. Jennifer agreed to look into this and provide the City with options, including the City potentially buying the signal pre-emption equipment for the railroad crossing – as this is the biggest time impact.
- Mr. Bur requested for Jennifer Vorster to look at traffic signal pre-emption needs for all rail crossings on the entire length of the SH 5 corridor. Jennifer agreed to look into that and follow up with the City. Mr. Bur explained that it may make sense to go ahead and get all of them in place now, so that it is not a factor in delaying future traffic signal installations.
- Greg Peters will be following up with Ms. Vorster and providing her with a list of likely signal location needs for the next 5 years. Anna Public Works is putting the information together and will have it to TxDOT by the end of the month.
- One most notable comment from Mo Bur, was that TxDOT does not want the City to pay for the signal at Finley as they will cover that expense.

<u>US 75 Phase 1 Widening – Utility Reimbursement</u>

- Greg Peters explained that the City needs Mr. Bur's help in finalizing and approving reimbursement of funds to Anna for the waterline relocation on US 75 from back in 2018. Greg explained that the City has re-submitted for reimbursement 3 times and is still receiving new, and conflicting comments from TxDOT staff. Mr. Bur stated that he would personally look into this and help us get this issue resolved promptly.

The City of Anna will be following up with Mr. Bur and his staff on these items as we move forward, to seek improved relations and coordination on the key items impacting our community. Getting Mr. Bur up to visit and see Anna was instrumental in getting these concessions. Going forward, we have been given a direct line to Mr. Bur and will be able to get his attention to our requests dealt with more expediently in the future.

FINANCIAL IMPACT:
Not Applicable at this time.

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Information only

ATTACHMENTS:

APPROVALS:

Jim Proce, City Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Item No. 6.a.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact:

AGENDA ITEM:
Approve City Council Meeting Minutes from the February 22, 2022, Meeting. (City Secretary Carrie Land)

SUMMARY:

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATION:

ATTACHMENTS:
1. CCmin20220222 for approval

APPROVALS:

Carrie Land, City Secretary	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Regular City Council Meeting
Meeting Minutes

Tuesday, February 22, 2022 @ 6:30 PM

Anna City Hall - City Council Chambers
111 N. Powell Parkway
Anna, Texas, 75409

The City Council of the City of Anna met at 6:30 PM, on February 22, 2022, at Anna City Hall - City Council Chambers, located at 111 N. Powell Parkway, Anna, Texas, 75409, to consider the following items.

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

   Mayor Pike called the meeting to order at 6:33 PM.

2. **Invocation and Pledge of Allegiance.**

   Mayor Pike led the Invocation and Pledge of Allegiance.

3. **Neighbor Comments.**

   No comments.

4. **Reports.**

   a. Joint meeting with Council and Parks Advisory Board on Monday, February 28th, 2022, at 6:30 PM. (Neighborhood Services Marc Marchand)

      Director Marchand announced that there will be a Joint Meeting of the City Council and Parks Advisory Board on Monday, February 28, 2022, at 6:30 PM, at the Anna Fire Department EOC Room, to discuss the upcoming Parks Capital Improvement Plan and Bond Projects.

   b. Special Recognition of Anthony Richardson for Exemplary Service to our Community.

      Mayor Pike and City Council Members expressed their gratitude and appreciation to Mr. Anthony Richardson for his years of exemplary service to the City of Anna.

   c. Recognition of the "Last Official City Council Meeting" in City Hall – 111 N. Powell Parkway.

      Mayor Pike and Council Members expressed their enjoyment and the many memories created at the current City Hall and their excitement at moving into the new City Hall.

      Council Member Miller expressed his appreciation to the Police and Fire Departments for their help and quick service to his wife in a recent medical situation.

Mayor Pike requested that all past and current commission members join the City Council at the dais for a photo to commemorate the last meeting in City Hall.

Council Member Carver announced that the Historical Preservation Society will not be meeting this Thursday due to inclement weather but will meet at the end of March.

5. **Work Session.**

a. Discussion & Direction - Multiple-Family Residential, Anna Town Center, Block A, Lot 5R. (Director of Development Services Ross Altobelli)

Director Altobelli provided an overview of the item which was originally presented to the City Council in December 2021, but denied.

Applicant Jack Roe, Christopher Todd Communities (Taylor Morrison), provided a project presentation to the City Council that included architectural changes that were discussed at the December 14, 2021, City Council Meeting.

The general consensus of the City Council is that they are amenable to having the Applicant come back in the requisite six-months for an official submittal to present the revisions agreed upon tonight.

In response to Mr. Roe's request to submit to the City Council sooner than the requisite six-months, Mayor Pike stated that it would be a matter to take before the Planning Commission.

b. Avery Pointe Neighborhood Meeting Recap.

Mayor Pike provided a brief update on the February 15, 2022, Avery Pointe Neighborhood Meeting, noting that the recent request for a Class A style storage facility was denied by the City Council and Planning and Zoning Commission. The current zoning has many uses allowed by law and right based on a 2005 Planned Development.

Mayor Pike stated that a proposal was recently provided to the City Council for a motel, but noted that a motel is not what the City Council would like to see at that location.

Following the meeting with the Avery Pointe neighbors, Mayor Pike stated that the storage facility item will be coming back before the City Council for presentation and requested that staff contact the group to bring back the SUP.

Director Altobelli stated that staff contacted the Planning and Zoning Commission regarding the SUP as it requires a public hearing. A Joint Meeting with the Planning and Zoning Commission and City Council is scheduled during the regularly scheduled City Council Meeting on March 8, 2022.

6. **Consent Items.**

Items 6.e and 6.f. were removed from the Consent Agenda.

MOTION: Council Member Miller moved to approve Consent Items 6.a – 6.d and 6.g – 6.j. Council Member Carver seconded. Motion carried 7-0.

a. Approve City Council Meeting Minutes from February 8, 2022. (City Secretary Carrie Land)

b. Review Minutes of the November 15, 2021, and December 20, 2021, Parks Advisory Board Meetings. (Director of Neighborhood Services Marc Marchand)

c. Approve Police Department report on 2021 racial profiling data that was submitted to the Texas Commission on Law Enforcement (TCOLE). (Police Chief Dean Habel)

d. Approve the Quarterly Investment Report for the Period Ending December 31, 2021. (Director of Finance Alan Guard)

e. Approve an Ordinance amending Ordinance 959-2022 Ordering a General Election to be held on May 7, 2022. (City Secretary Carrie Land)

Collin County Elections Administration has revised Early Voting hours for Saturday, April 30, 2022, from 7:00 AM - 7:00 PM to 8:00 AM - 5:00 PM.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, AMENDING CITY OF ANNA ORDINANCE NO. 959-2022 ORDERING A GENERAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; ADOPTING A VOTING SYSTEM; AUTHORIZING EXECUTION OF JOINT ELECTION CONTRACTS; PROVIDING SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

MOTION: It was moved by Council Member Toten to take no action on Item 6.e. Council Member Miller seconded. Motion carried 7-0.

f. Development Agreement – Bridge Tower GP Residential & Commercial (Director of Development Services Ross Altobelli)

Approve a Resolution entering into a development agreement with Harlow Sheryl Family Trust, Colby Harlow Trustee – Harlow Capital Management, LLC, to establish development and design regulations for residential and non-residential development on 28.0± acres located at the southwest corner of W. White Street and Slater Creek Road.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH SHERYL HARLOW FAMILY TRUSY RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF W. WHITE STREET AND SLATER CREEK ROAD.

MOTION: It was moved by Council Member Carver to approve. Mayor Pike seconded. Motion carried 7-0.

g. Monthly Financial Report for the Month Ending January 31, 2022. (City Manager Jim Proce)

h. Acting as the Anna Housing Finance Corporation ("AHFC") Board of Directors, engage and enter into an Agreement for financial and accounting services with Brown, Graham & Company P.C. (Director of Economic Development Joey Grisham)

To prevent the City's Finance Department from having to get too involved in the HFC and PFC projects and financing, staff is recommending entering into an Agreement with Brown, Graham, & Company to provide financial and accounting services. This firm works with multiple HFC and PFC groups and has strong expertise on these types of projects.

i. Acting as the Anna Housing Finance Corporation ("AHFC") Board of Directors, approve a Resolution authorizing the President to execute a legal services contract. (Director of Economic Development Joey Grisham)

Staff recommends approving an Agreement for legal services with Wolfe, Tidwell, & McCoy LLP, on an as-needed basis.

A RESOLUTION OF THE ANNA HOUSING FINANCE CORPORATION APPROVING A WRITTEN AGREEMENT FOR LEGAL SERVICES AND AUTHORIZING THE PRESIDENT TO EXECUTE SAID AGREEMENT.

j. Acting as the Anna Public Facility Corporation ("APFC") Board of Directors, approve a Resolution authorizing the President to execute a legal services contract. (Director of Economic Development Joey Grisham)

Staff recommends approving an Agreement for legal services with Wolfe, Tidwell, & McCoy LLP, on an as-needed basis.

A RESOLUTION OF THE ANNA PUBLIC FACILITY CORPORATION APPROVING A WRITTEN AGREEMENT FOR LEGAL SERVICES AND AUTHORIZING THE PRESIDENT TO EXECUTE SAID AGREEMENT.

7. **Items For Individual Consideration.**

a. Zoning - Bridge Tower GP Residential & Commercial (Planning Manager Lauren Mecke)

1) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to zone 28.0± acres located at the southwest corner of W. White Street and Slater Creek Road from SF-E Single-Family Residential – Large Lot (SF-E) to Restricted Commercial District (C-1), SF-Z Single-Family Residence District – Zero Lot Line Homes (SF-Z), and Planned Development-SF-TH Townhome District (PD-SF-TH).

Director Altobelli presented a brief overview of the item.

Mayor Pike opened the Public Hearing at 7:14 PM.

There were no public comments.

Mayor Pike closed the Public Hearing at 7:14 PM.

Applicant Adam Green, Sr. Vice President, Bridge Tower Homes, presented a brief PowerPoint presentation of the project.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Toten moved to approve. Council Member Atchley seconded. Motion carried 7-0.

2) Consider/Discuss/Action on a Resolution regarding the Bridge Tower GP Residential & Commercial, Concept Plan.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA CROSSING, PHASE 5, BLOCK 5, LOT 10R, REPLAT.

MOTION: Council Member Carver moved to approve. Council Member Atchley seconded. Motion carried 7-0.

b. Annexation - Anna West (Director of Development Services Ross Altobelli)

Conduct a public hearing to consider public comments regarding annexation of 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA CROSSING, PHASE 5, BLOCK 5, LOT 10R, REPLAT.

Mayor Pike opened the Public Hearing at 7:26 PM.

There were no public comments.

Mayor Pike moved to table the item to Tuesday, March 8, 2022, at 6:30 PM, at the Anna ISD Board Room, 207 E. 7th Street, Anna, Texas, 75409. Council Member Miller seconded. Motion carried 7-0.

c. Zoning - Anna West (Director of Development Services Ross Altobelli)

1) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to zone 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287 to Planned Development - MF-2 Multiple-Family Residential - High Density (PD-MF-2). Currently zoned: Extraterritorial Jurisdiction (ETJ).

Mayor Pike opened the public hearing at 7:27 PM. Mayor Pike moved to leave the Public Hearing open until the next regularly scheduled City Council Meeting on March 8, 2022, 6:30 PM, at Anna ISD Board Room, 201 E. 7th Street, Anna, Texas, 75409. Council Member Miller seconded. Motion carried 7-0.

d. Discuss and consider a Resolution authorizing the City Manager to execute an agreement for professional services related to the final engineering design, architecture, product selection, bid services, and construction management for the Hurricane Creek Regional Wastewater Treatment Plant. (Director of Public Works Greg Peters, P.E.)

Director Peters provided a brief overview of the item.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INCORPORATED, FOR DESIGN, BID, AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE HURRICANE CREEK REGIONAL WASTEWATER TREATMENT PLANT.

MOTION: Council Member Toten moved to approve. Council Member Ussery seconded. Motion carried 7-0.

e. Conduct a first reading of a Resolution approving an Agreement with Zablink Hospitality, LLC, for a hotel project. (Director of Economic Development Joey Grisham)

Council Member Carver provided a first reading of a Resolution approving an Agreement with Zablink Hospitality, LLC, for a hotel project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A PROJECT OF THE ANNA COMMUNITY DEVELOPMENT CORPORATION INCLUDING THE GRANTING OF FUNDS NOT TO EXCEED $208,990.06 TO ZABLINK HOSPITALITY, LLC AS AUTHORIZED BY SECTION 505.158 OF THE TEXAS LOCAL GOVERNMENT CODE WITH TWO SEPARATE READINGS.

f. Conduct a second reading of a Resolution approving an Agreement with Zablink Hospitality, LLC, for a hotel project. (Director of Economic Development Joey Grisham)

Council Member Carver provided a second reading of a Resolution approving an Agreement with Zablink Hospitality, LLC, for a hotel project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A PROJECT OF THE ANNA COMMUNITY DEVELOPMENT CORPORATION INCLUDING THE GRANTING OF FUNDS NOT TO EXCEED $208,990.06 TO ZABLINK HOSPITALITY, LLC AS AUTHORIZED BY SECTION 505.158 OF THE TEXAS LOCAL GOVERNMENT CODE WITH TWO SEPARATE READINGS.

g. Consider/Discuss/Action on a Resolution approving a hotel project and authorizing the Anna Community Development Corporation to fund an Economic Development Agreement with Zablink Hospitality, LLC, not to exceed $208,990.06. (Director of Economic Development Joey Grisham)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A PROJECT OF THE ANNA COMMUNITY DEVELOPMENT CORPORATION INCLUDING THE GRANTING OF FUNDS NOT TO EXCEED $208,990.06 TO ZABLINK HOSPITALITY, LLC AS AUTHORIZED BY SECTION 505.158 OF THE TEXAS LOCAL GOVERNMENT CODE WITH TWO SEPARATE READINGS.

MOTION: It was moved by Council Member Carver to approve. Council Member Miller seconded. Motion carried 6 – 1 (Mayor Pike opposed).

8. **Closed Session (Exceptions).**
Under Tex. Gov't Code Chapter 551, the City Council may enter into Closed Session to discuss any items listed or referenced on this Agenda under the following exception.

a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Public Improvement Districts.

b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).

c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087).

d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). City Manager

MOTION: Council Member Carver moved to enter Closed Session. Mayor Pike seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 7:41 PM.

Mayor Pike reconvened the meeting at 8:30 PM.

9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

There was no action taken.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 8:30 PM.

Approved on March 8, 2022.

_____
Mayor Nate Pike

ATTEST:

_____
City Secretary Carrie L. Land

Item No. 6.b.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Review minutes of the February 7, 2022, Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)

SUMMARY:

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATION:

ATTACHMENTS:
1. 02-07-2022 PZ Minutes (Draft Watermark)

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

MINUTES
PLANNING AND ZONING COMMISSION
February 7, 2022

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on February 7, 2022, at the Anna City Hall located at 111 N. Powell Parkway, to consider the following items.

1. Call to Order and Establishment of Quorum

   The meeting was called to order at 7:03 pm.

   Commissioners present were Donald Henke, Brent Thomas, Kelly Patterson-Herndon, and Paul Wenzel. Commissioner Latoya Grady, Commissioner Nick Rubits, and Commissioner Dennis Ogan were absent. Staff present was Ross Altobelli, Lauren Mecke, and Salena Tittle. Councilman Toten was also in attendance.

2. Invocation and Pledge of Allegiance

   Commissioner Thomas 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.

4. Location Map

Consent Items

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Wenzel to recommend approval of consent items 5-12. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the December 6, 2021 and the January 3, 2022 Planning & Zoning Commission Meetings.

6. Consider/Discuss/Action on a recommendation regarding the Hynes Addition, Block A, Lot 1, Development Plat. Applicant: James & Janet Hynes.

7. Consider/Discuss/Action on a recommendation regarding the Lands of Lauria, Block A, Lot 1, Development Plat. Applicant: Mansi & Saurabh Lauria.

8. Consider/Discuss/Action on a recommendation regarding the Nelson Ranch, Block A, Lots 1-6, Final Plat. Applicant: Steven Nelson.

9. Consider/Discuss/Action on a recommendation regarding the Anna Town Center Addition, Block A, Lots 10R & 11R, Replat. Applicant: Seminole Anna Town Center LP.

10. Consider/Discuss/Action on a recommendation regarding the Anna Town Center Addition, Block A, Lot 11R, Site Plan. Applicant: Seminole Anna Town Center LP.

11. Consider/Discuss/Action on a recommendation regarding the Anna Ranch, Phases 2 & 3, Preliminary Plat. Applicant: Harlan Properties, Inc.

DRAFT

12. Consider/Discuss/Action on a recommendation regarding the Anna Town Square Addition, Block A, Lots 1 & 2, Preliminary Plat. Applicant: John Arnold / Anna Town Center Mixed Use LLC.

Items for Individual Consideration

13. Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding the Anna Crossing, Phase 5, Block 5, Lot 10R, Replat. Applicant: Anna Town Square Homeowners Association, Inc. & Michael Comeaux.

Ms. Mecke gave a brief presentation.

Chairman Henke asked staff if this request was just to abandon the HOA lot.

Ms. Mecke advised yes.

Chairman Henke asked staff if they knew any information about the opposition responses that staff received.

Ms. Mecke read the opposition responses.

The Public Hearing was opened at 7:11 p.m.

Mr. Bruce Norwood, residing at 1133 Elizabeth Street, spoke in favor and advised his reason was because there was no need for the green space and there was no reason to deny this request.

The Public Hearing was closed at 7:12 p.m.

A motion was made by Commissioner Wenzel, seconded by Commissioner Patterson-Herndon to recommend approval of the Replat. The vote was unanimous.

14. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to rezone 28.0± acres located at the southwest corner of W. White Street and Slater Creek Road from SF-E Single-Family Residential – Large Lot (SF-E) to Restricted Commercial District (C-1), SF-Z Single-Family Residence District – Zero Lot Line Homes (SF-Z), and Planned Development-SF-TH Townhome District (PD-SF-TH). Applicant: Harlow Sheryl Family Trust, Colby Harlow Trustee – Harlow Capital Management, LLC.

Mr. Altobelli gave a brief presentation.

The Public Hearing was opened at 7:17 p.m.

Ms. Judith Waldrop, residing at 929 Bens Drive, spoke in opposition and advised her concerns were due to increased traffic, decrease in home values, and advised the Commission that there were no more homes needed in the area. Ms. Waldrop also advised that she did not get a public hearing notice and that the only reason she knew about the request was that Commissioner Patterson-Herndon had notified her.

Mr. Altobelli made a correction to the Commission and advised that the commercial portion will only have one point of access through W. Crossing Boulevard. Mr. Altobelli also advised the Commission that all residents with the 200' buffer (along Bens Drive) were sent public hearing notices regarding the zoning request.

The applicant provided the Commission with a brief presentation.

The Public Hearing was closed at 7:39 p.m.

Mr. Altobelli advised the Commission that the applicant has agreed to enter into a Developer's Agreement with the city.

DRAFT

Commissioner Paterson-Herndon asked what the square footage was going to be for the townhomes.

The applicant advised that they would range between 1,500 square feet to 1,800 square feet.

Commissioner Patterson-Herndon expressed concerns about how many additional homes were going in.

The applicant addressed the concerns.

Commissioner Patterson-Herndon asked the applicant if the zero-lot line residents would be given access to the amenities.

The applicant advised that the amenities were going to be for all residents in that subdivision.

Commissioner Patterson-Herndon expressed that she still had concerns regarding the amount of traffic that would be added.

Chairman Henke asked if a traffic study would come from the state or staff.

Mr. Altobelli advised the Commission that TXDOT would still need to review and approve the design and the plans. Mr. Altobelli also advised the Commission that TXDOT, upon review, could also require turn lanes.

A motion was made by Commissioner Thomas, seconded by Commissioner Wenzel to recommend approval of the zoning request. The vote was unanimous.

B) Consider/Discuss/Action on a recommendation regarding the Bridge Tower GP Residential & Commercial, Concept Plan.

Mr. Altobelli gave a brief presentation.

Chairman Henke asked if there were any renderings for the dog park and the detention pond.

Mr. Altobelli advised that the applicant has provided very preliminary engineering plans.

A motion was made by Commissioner Thomas, seconded by Commissioner Patterson-Herndon to recommend approval of the Concept Plan. The vote was unanimous.

15. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to zone 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287. Currently zoned: Extraterritorial Jurisdiction (ETJ). Applicant: YN, LLC.

Ms. Mecke gave a brief presentation.

The Public Hearing was opened at 7:57 p.m.

Mr. Atilla Temesvary, residing at 9830 County Road 288, spoke in opposition and advised his concerns were due to the higher density of the product. He also advised that there is a lot of wildlife and traffic would be an issue around the bend of the road.

Applicant provided the Commission with a brief presentation.

Commissioner Patterson-Herndon asked what the smallest square footage would be.

The applicant advised 640 square feet.

Commissioner Patterson-Herndon asked what the largest square footage would be.

The applicant advised roughly 1,400 square feet.

Commissioner Patterson-Herndon asked if the residents would have to pay extra for the garage spaces.

The applicant advised no.

Commissioner Patterson-Herndon asked how many days a week trash was going to be picked up.

The applicant advised that it would be picked up every day.

Commissioner Patterson-Herndon asked if the applicant would be willing to do an 8-foot decorative metal fence instead of a 6-foot. Commissioner Patterson-Herndon advised that the project is out in nature and some residents might not do well with the presence of deer.

The applicant advised that they do not see that a difference would be made with an 8-foot fence instead of a 6-foot fence as pertains to nature and deer.

The Public Hearing was closed at 8:16 p.m.

Chairman Henke asked what the area is designated as on the Future Land Use Map.

Ms. Mecke advised Ranching and Agricultural but that it also indicates that Cluster Residential may be an appropriate use.

Chairman Henke asked for clarification on the parking.

Ms. Mecke and the applicant verified the information presented on the plan.

Commissioner Patterson-Herndon asked the applicant if this was a gated community.

The applicant advised that it was.

Chairman Henke asked staff what the items were that was causing this project into a Planned Development.

Mr. Altobelli advised it was due to the covered parking, setbacks, covered parking, and screening. Mr. Altobelli also advised that the applicant is entering into a Developer's Agreement with the city.

A motion was made by Commissioner Thomas, seconded by Commissioner Wenzel to recommend approval of the zoning request. Commissioner Patterson-Herndon and Chairman Henke voted against the motion causing a tie vote of 2-2. This it is considered as "no action" taken.

B) Consider/Discuss/Action on a recommendation regarding the Anna West, Block A, Lot 1, Concept Plan.

A motion was made by Commissioner Wenzel but was not seconded. A motion was then made by Commissioner Patterson-Herndon, seconded by Chairman Henke to recommend denial of the Concept Plan. The vote was a tie vote of 2-2 with Commissioner Thomas and Commissioner Wenzel voting to approve the Concept Plan. This is considered as "no action" taken.

16. Conduct a Public Hearing/Consider/Discuss/Action on recommended amendments to Appendix 2. Schedule of Uses within Article 9.04 Zoning Ordinance of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances.

Mr. Altobelli gave a brief presentation.

Chairman Henke asked for clarification of why staff was asking to remove a use as "allowable by right".

Mr. Altobelli advised the Commission of concerns by staff, Council, and residents as it pertains to a previous request where there was mention of a Motel 6 being allowed by right near the subdivision.

The Public Hearing was opened at 8:36 p.m.

DRAFT

The Public Hearing was closed at 8:37 p.m.

Commissioner Patterson-Herndon asked how long this request had been in the works.

Mr. Altobelli advised that it had not been long at all.

Commissioner Patterson-Herndon expressed how she felt it looks like a knee jerk reaction to the recent Avery Pointe Commercial issue and it looks bad.

Mr. Altobelli addressed the Commission and advised that the city's ordinances are outdated and this gives staff and the Commission flexibility when it comes to these types of uses when they are steps away from residential subdivisions. Council listened to the concerns of the neighbors.

Mr. Thomas asked why staff didn't take a more "Comprehensive Plan" approach to this request.

Mr. Altobelli advised that staff looked at it as a zoning ordinance change since the city is in the middle of zoning ordinance updates and the updates should meet that of the Comprehensive Plan.

Mr. Thomas asked if staff felt that there was a real urgency to get this changed now versus waiting.

Mr. Altobelli advised that this was coming from the direction of Council and staff sees the need for the change.

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Thomas to recommend approval of the Zoning Ordinance Amendment request. The vote was unanimous.

17. Discuss potential public hearing and meeting procedures associated with a future zoning case being considered.

Mr. Altobelli gave a brief presentation.

Chairman Henke asked if this was going to be just a one-time joint meeting.

Mr. Altobelli advised yes.

Adjourn

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Thomas to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:45 p.m.

_____
Donald Henke
Planning and Zoning Commission Chairman

ATTEST:

_____

DRAFT

Item No. 6.c.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Marc Marchand

AGENDA ITEM:
Review minutes of the January 24th, 2022 Parks Advisory Board Meetings. (Director of Neighborhood Services Marc Marchand)

SUMMARY:

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATION:

ATTACHMENTS:
1. 1-24-2022 Park Advisory Board Meeting Minutes

APPROVALS:

Jeff Freeth, Recreation Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

MINUTES
ANNA PARKS ADVISORY BOARD MEETING
January 24, 2022

The Parks Board of the City of Anna met at 6:00 PM, on January 24, 2022, at the Anna City Hall, located at 111 North Powell Parkway (Hwy 5), to consider the following items:

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

    a. The meeting was called to order at 6:00pm. Members present were Elden Baker, Michelle Clemens, Eirik Hansen, Mackenzie Jenks and Jon Schwyzer. Joe Crowder, LeQuey Douglas were absent. Staff present included Recreation Manager Jeff Freeth, Neighborhood Services Director Marc Marchand, Parks Superintendent Matt Lewis, Park Planning and Development Manager Dalan Walker, Neighborhood Services Coordinator Olivia Demings and City Council Members Randy Atchley, Lee Miller and Kevin Toten.

2. Staff presented a report on Neighborhood Life Programming.

3. Staff presented a report on recreation programming and upcoming events.

4. Staff presented a report and Parks Advisory Board Members discussed Slayter Creek Park's future capital improvement options.

5. Staff presented a report and Parks Advisory Board Members discussed Johnson Park next phase enhancement options. Staff will move forward with the purchase of portable light towers to be used at Johnson Park ballfields for the upcoming softball and baseball season and future city events.

6. Yank Park basketball court

    a. Motion to recommend moving forward with the Yank Park basketball court project made by Elden Baker, seconded by Michelle Clemens. Motion carried 5-0.

7. Staff presented an update on the Slayter Creek Park Splash Pad Project.

8. Staff presented an update on the Slayter Creek Park Disc Golf Project.

9. Staff presented an update on the Library Project.

10. Park Minutes

    a. December 20, 2021

    A motion was made by Elden Baker, seconded by Eirik Hansen, to approve the Minutes of the December 20, 2021, meeting. Motion carried 5-0.

11. Adjourn

Eirik Hansen adjourned the meeting at 7:31 pm.

Marc Marchand, Director of Neighborhood Services

ATTEST: _____

Item No. 6.d.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Carrie Land

AGENDA ITEM:
Approve an Ordinance declaring the Election to the Office of Three City Council Members and the Unopposed Candidates for Election to those offices. (City Secretary Carrie Land)

SUMMARY:
The City Secretary is responsible for preparing the ballot and must certify the unopposed status to the City Council. The governing body must meet, accept this certification, and issue an ordinance declaring the election canceled and the unopposed candidates elected. To complete the cancelation process, a copy of the ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election.

Each candidate whose name is to appear on the ballot is unopposed.

Results are as follows:

Place 2 - Pete Cain
Place 4 - Randy Atchley
Place 6 - Lee Miller

FINANCIAL IMPACT:
Administrative Fees $75.00.

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Approve

ATTACHMENTS:
1. Unopposed Ordinance C03029D20220223CR1
2. 12-1f Certificate of Cancelation

APPROVALS:

Carrie Land, City Secretary	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, DECLARING THE ELECTION TO THE OFFICE OF THREE CITY COUNCIL MEMBERS AND THE UNOPPOSED CANDIDATES FOR ELECTION TO THOSE OFFICES; PROVIDING THAT SUCH ELECTION SHALL BE EFFECTIVE AS OF MAY 7, 2022, AND THAT SUCH CANDIDATES SHALL TAKE THEIR OFFICE AS PROVIDED BY LAW; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE POSTED ON ELECTION DAY AT EACH POLLING PLACE THAT WOULD HAVE BEEN USED IN THE ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Subchapter C of Chapter 2 of the Texas Election Code, the City Council of the City of Anna has received from the City Secretary her written Certification that the three candidates for election to the office of City Council Member all for two-year terms are unopposed for election to that office (a true and correct copy of the Certification is attached hereto as Exhibit "A" and incorporated herein).

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

Section 1. INCORPORATION OF PREMISES**:** The above and foregoing premises are true and correct and are incorporated herein in their entirety.

Section 2. DECLARATION OF ELECTION: The following candidates for election to the office of City Council Member are hereby declared elected to that office:

FOR THE OFFICE OF CITY COUNCIL MEMBER (Two Year Term)

Pete Cain, Place 2
Randy Atchley, Place 4
Lee Miller, Place 6

Such election shall be effective as of May 7, 2022. The elected candidates shall take their office in accordance with law, and a certificate of election shall be issued to each candidate in the same manner as provided for a candidate elected at a general election.

Section 3. GENERAL ELECTION NOT HELD: The May 7, 2022 election is canceled and shall not be held.

Section 4. POSTING OF ORDINANCE: A true and correct copy of this ordinance shall be posted on May 7, 2022 by the City Secretary at each polling place that would have been used in the general election.

Section 5. EFFECTIVE DATE: This Ordinance shall be in effect from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS ON THIS 1st DAY OF MARCH 2022.

_____
Nate Pike, Mayor

ATTEST:

_____
Carrie L. Land,
City Secretary

AW12-1
Prescribed by Secretary of State
Section 2.051 – 2.053, Texas Election Code
2/14

CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 del Mayo, 2022

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) ***Cargo(s)***	**Candidate(s)** ***Candidato(s)***
Place 2	Pete Cain
Place 4	Randy Atchley
Place 6	Lee Miller

Carrie L. Land
Signature ***(Firma)***

Carrie L. Land
Printed name ***(Nombre en letra de molde)***

City Secretary
Title ***(Puesto)***

February 23, 2022
Date of signing ***(Fecha de firma)***

CITY OF ANNA TEXAS
(Seal) ***(sello)***

Item No. 6.e.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Approve a Resolution regarding the Dunkin Estates, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

SUMMARY:
Single-family residence and 3 accessary buildings on one lot on 2.2± acres located at the southeast corner of County Road 525 and County Road 528. Located within the Extraterritorial Jurisdiction (ETJ).

The Planning & Zoning Commission recommended approval.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. Dunkin Estates Locator Map
2. RESOLUTION - (DP) Dunkin Estates DP BL A Lt 1
3. Exhibit A (STAMPED) - Dunkin Estates Development Plat

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Dunkin Estates, Block A, Lot 1, Development Plat

L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING DUNKIN ESTATES, BLOCK A, LOT 1, DEVELOPMENT PLAT

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

WHEREAS, Kirby Dunkin has submitted an application for the approval of the Dunkin Estates, Block A, Lot 1, Development Plat; and

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

Section 1. Recitals Incorporated

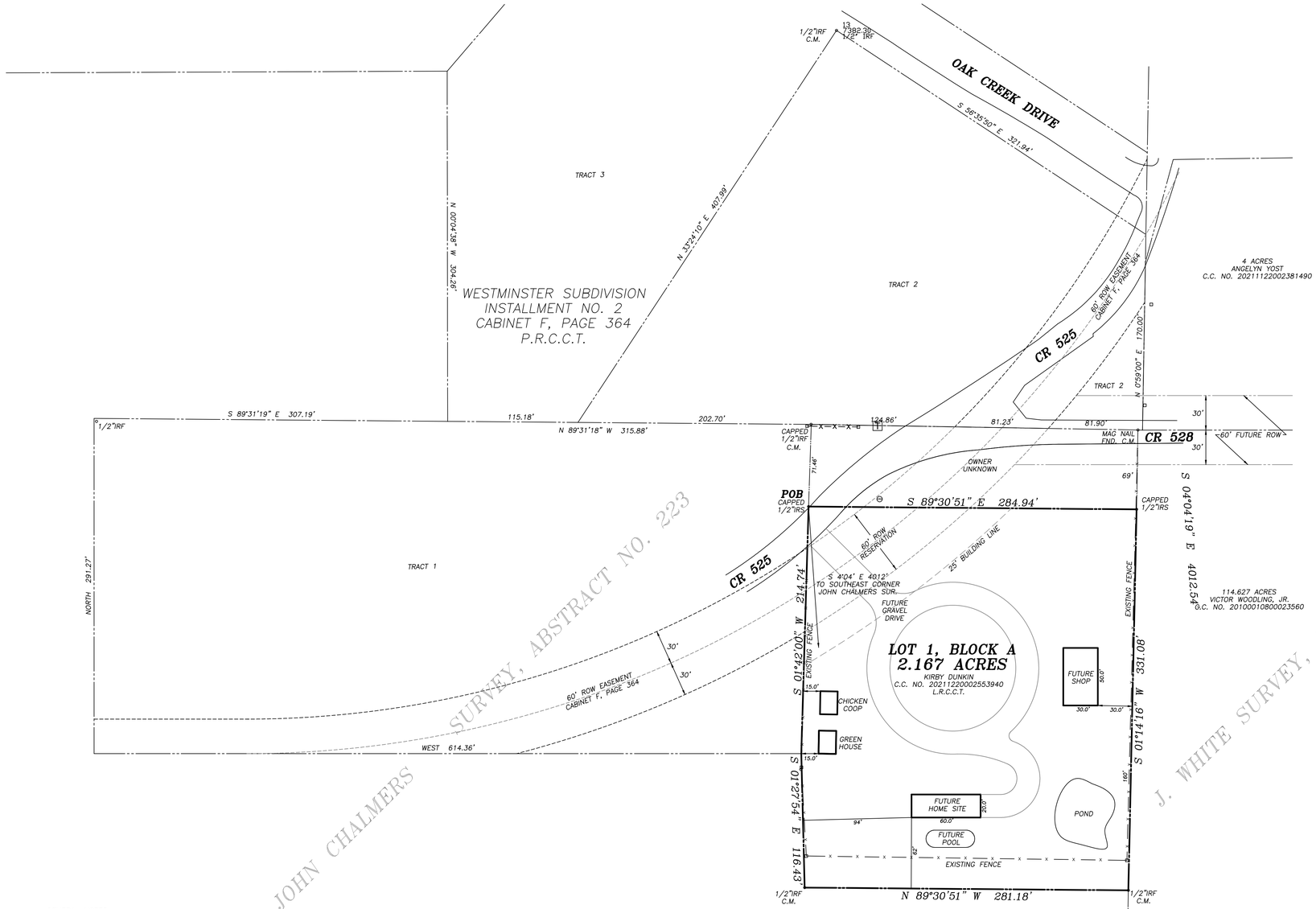
The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Approval of Development Plat.

The City Council hereby approves the Dunkin Estates, Block A, Lot 1, Development Plat attached hereto as Exhibit A.

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this 8th day of March, 2022.

ATTEST:	APPROVED:
_____	_____
City Secretary, Carrie L. Land	Mayor, Nate Pike



LEGAL DESCRIPTION

BEING a tract of land situated in the John Chalmers Survey, Abstract No. 233, Collin County, Texas and being all of a tract conveyed to Kirby Dunkin as recorded in County Clerks No. 20211220002553940, Land Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 1/2" iron rod stamped "4613" set for corner in the east line of Tract 1, Westminster Subdivision, Installment No, 2 as recorded in Cabinet F, Page 364, Map Records of Collin County, Texas, said iron rod being S 01°42'00" W a distance of 71.46 from the northeast corner of said Tract 1;

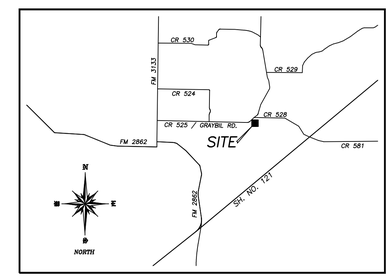
THENCE S 89°30'51" E a distance of 284.94' to a capped 1/2" iron rod stamped "4613" set for corner;

THENCE S 01°42'00" W a distance of 331.08' to a capped 1/2" iron rod found for corner;

THENCE N 89°30'51" W a distance of 281.18' to a capped 1/2" iron rod found for corner;

THENCE N 01°27'54" W a distance of 116.43' to the southeast corner of said Tract 1;

THENCE N 01°42'00" E a distance of 2314.74' to the POINT OF BEGINNING and containing 94,397 square feet or 2.167 acres of land.



LOCATION MAP
NTS

CERTIFICATE OF APPROVAL

Approved this ____ day of _____, 2022, by the City Council of the City of Anna Texas.

_____
(Mayor)

_____
City Secretary

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

EXHIBIT A

GENERAL NOTES;

1. *The surveyor has not abstracted subject property.*
2. *This survey is subject to all easements of record.*
3. *Copyright 2022, 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 months of the date of this survey.*
5. *The original copy will have original signatures, stamp seal and an impression seal.*
6. *The basis of bearings, are derived from Final Plat of Westminster Subdivision Installment No. 5 Recorded in Volume F, Page 264, P.R.C.C.T.*
7. *Water service to this site is provided by the Westminster Special Utility District.*
8. *Sanitary Sewer will be provided by an approved onsite OSSF – permits through Collin County.*
9. *Gas will be Liquid propane.*
10. *Electric is provided by Texas New Mexico Power Company.*
11. *Solid waste will be provided through a private trash company.*

FLOODPLAIN NOTE:

This property falls in Zone X according to the Flood Insurance Rate Maps, Panel No. 48085C0180 J, Map Revision June 2, 2009, as published by the Federal Emergence Management Agency.

NORTH
SCALE 1"= 50'

0 50 100 150

LEGEND

C.M. = CONTROLLING MONUMENT
IRS = IRON ROD SER
IRF = IRON ROD FOUND
□ = FENCE POST
⊡ = TELEPHONE BOX

SURVEYOR'S CERTIFICATE

The survey shown hereon is a true representation of the property as determined by a survey made on the ground and under my personal supervision. All visible improvements are as shown. There are no visible encroachments, conflicts, or protrusions, except as shown. This survey conforms to the Texas Board of Professional Land Surveyors' Minimum Standards of Practice, as adopted by the Board effective September 1, 2011. The property is subject to all easements of record.

David J. Surdukan R.P.L.S. No. 4613

STATE OF TEXAS
REGISTERED
DAVID J. SURDUKAN
4613
PROFESSIONAL
LAND SURVEYOR

DEVELOPMENT PLAT
DUNKIN ESTATES
LOT 1, BLOCK A
BEING 2.167 ACRES OUT OF THE JOHN CHALMERS SURVEY
ABSTRACT NO. 233
CITY OF ANNA ETJ
COLLIN COUNTY, TEXAS

OWNERS
KIRBY DUNKIN
8030 COUNTY ROAD NO. 528
ANNA, TEXAS 75424
(469) 479-6787

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

SCALE 1" = 50' *DATE: FEBRUARY 9, 2022* *JOB No. 2015-47*

Item No. 6.f.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Approve a Resolution regarding the Anna Town Center Addition, Block A, Lots 10R & 11R, Replat. (Director of Development Services Ross Altobelli)

SUMMARY:
Restaurant on lot 11R and vacant lot on 2.2± acres located on the east side of U.S. Highway 75, 1,300± north of W. White Street. Zoned: Planned Development-C-2 General Commercial (Ord. No. 648-2014).

The purpose of the replat is to dedicate lot and block boundaries and dedicate easements necessary for the development of a restaurant on Lot 11R.

The Planning & Zoning Commission recommended approval.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. Anna Town Center Block A Lots 10R 11R Locator Map
2. RESOLUTION - (RP) Anna Town Center Addition, Block A, Lots 10R & 11R
3. Exhibit A (STAMPED) - Anna Town Center Replat

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Anna Town Center, Block A, Lots 10R & 11R - Replat

L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN CENTER ADDITION, BLOCK A, LOTS 10R & 11R, REPLAT.

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

WHEREAS, Seminole Anna Town Center LP has submitted an application for the approval of the Anna Town Center Addition, Block A, Lots 10R & 11R, Replat; and

WHEREAS, The Replat of Anna Town Center Addition, Block A, Lots 10R & 11R conforms to the existing zoning; and

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

Section 1. Recitals Incorporated

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

Section 2. Approval of Replat

The City Council hereby approves the Anna Town Center Addition, Block A, Lots 10R & 11R, Replat attached hereto as Exhibit A subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this 8th day of March, 2022.

ATTEST:

_____

City Secretary, Carrie L. Land

APPROVED:

_____

Mayor, Nate Pike

NORTH

GRAPHIC SCALE IN FEET

40 0 20 40 80

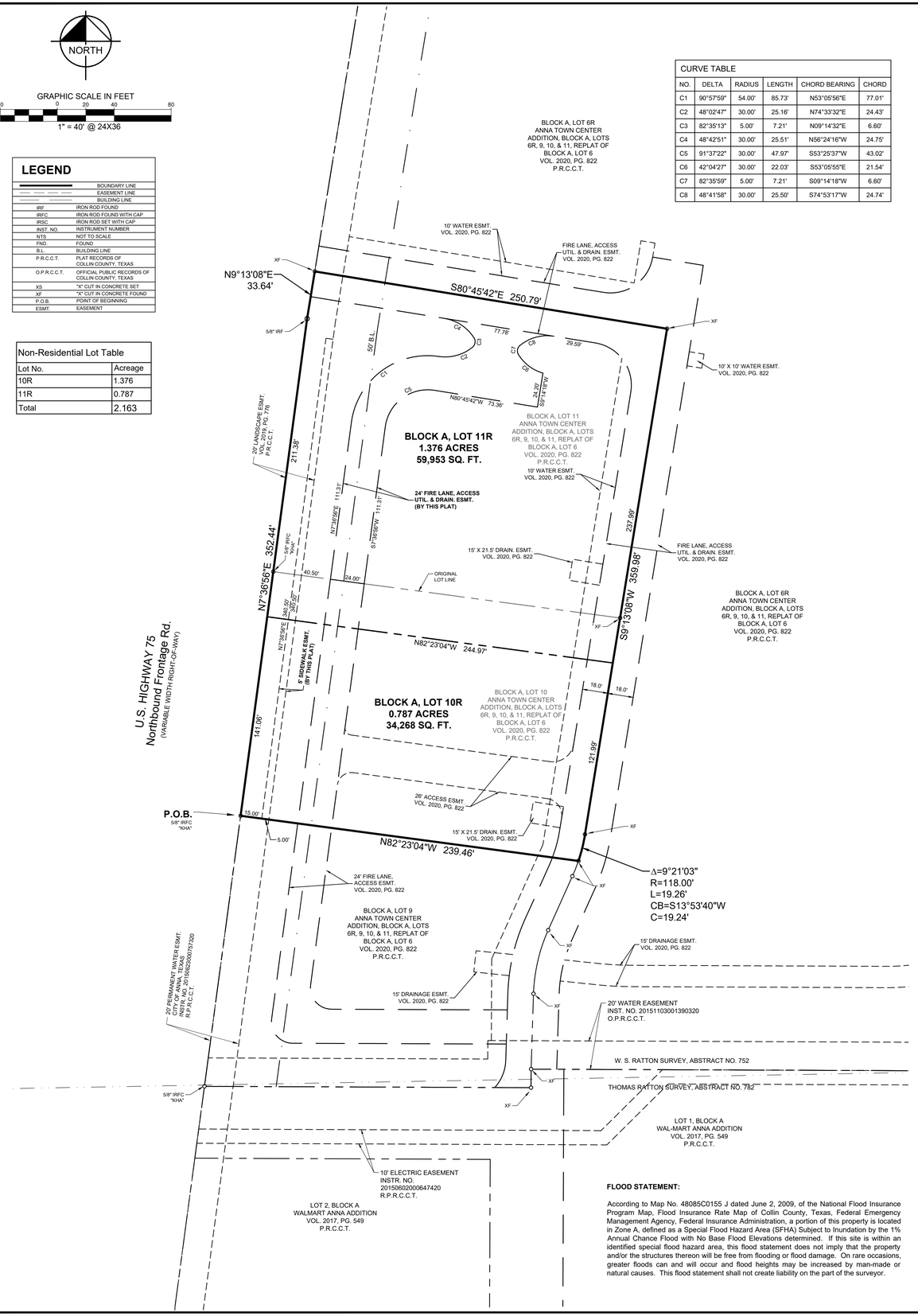
1" = 40' @ 24X36

LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND WITH CAP
IRSC	IRON ROD SET WITH CAP
INST. NO.	INSTRUMENT NUMBER
NTS	NOT TO SCALE
FND.	FOUND
B.L.	BUILDING LINE
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
XS	"X" CUT IN CONCRETE SET
XF	"X" CUT IN CONCRETE FOUND
P.O.B.	POINT OF BEGINNING
ESMT.	EASEMENT

Non-Residential Lot Table	
Lot No.	Acreage
10R	1.376
11R	0.787
Total	2.163

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	90°57'59"	54.00'	85.73'	N53°05'56"E	77.01'
C2	48°02'47"	30.00'	25.16'	N74°33'32"E	24.43'
C3	82°35'13"	5.00'	7.21'	N09°14'32"E	6.60'
C4	48°42'51"	30.00'	25.51'	N56°24'16"W	24.75'
C5	91°37'22"	30.00'	47.97'	S53°25'37"W	43.02'
C6	42°04'27"	30.00'	22.03'	S53°05'55"E	21.54'
C7	82°35'59"	5.00'	7.21'	S09°14'18"W	6.60'
C8	48°41'58"	30.00'	25.50'	S74°53'17"W	24.74'



FLOOD STATEMENT:

According to Map No. 48085C0155 J dated June 2, 2009, of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, a portion of this property is located in Zone A, defined as a Special Flood Hazard Area (SFHA) Subject to Inundation by the 1% Annual Chance Flood with No Base Flood Elevations determined. If this site is within an identified special flood hazard area, this flood statement does not imply that the property and/or the 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.

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS Q SEMINOLE ANNA TOWN CENTER, LP is the sole owners of the following described tract of land:

BEING a tract of land situated in the W. S. Ratton Survey, Abstract No.752, City of Anna, Collin County, Texas and being a replat of Block A, Lots 10 and 11 of Anna Town Center Addition, Block A, Lots 6R, 9, 10, & 11, Replat of Block A, Lot 6, an addition to the City of Anna, according to the Map or Plat, thereof, recorded in Volume 2020, Page 822 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with a red plastic cap, stamped "KHA" found for the southwest corner of said Block A, Lot 10, same being the northwest corner of Block A, Lot 9 of said Anna Town Center Addition, same also being on the easterly right of way line of U. S. Highway 75, a variable width right of way;

THENCE North 07°36'56" East, along the westerly line of said Block A, Lot 10 and aforesaid Block A, Lot 11, and the easterly right of way line of said U. S. Highway 75, a distance of 352.44 feet to a 5/8-inch iron rod found for corner;

THENCE North 09°13'08" East, continuing along the westerly line of said Block A, Lot 11 and the easterly right of way line of said U. S. Highway 75, a distance of 33.64 feet to an "X" cut found for northwest corner of said Lot 11, same being the westerly, southwest corner of Block A, Lot 6R of said of said Anna Town Center Addition;

THENCE South 80°45'42" East, departing the easterly right of way line of said U. S. Highway 75, along the northerly line of said Block A, Lot 11 and a southerly line of said Block A, Lot 6R, a distance of 250.79 feet to an "X" cut found for the northeast corner of said Lot 11;

THENCE South 09°13'08" West, along a westerly line of said Block A, Lot 6R, the easterly line of said Block A, Lot 11 and the easterly line of aforesaid Block A, Lot 10, a distance of 359.98 feet to a an "X" cut found for the beginning of a tangent curve to the right with a radius of 118.00 feet, a central angle of 09°21'03", and a chord bearing and distance of South 13°53'40" West, 19.24 feet;

THENCE in a southerly direction, continuing along a westerly line of said Block A, Lot 6R, the easterly line of said Block A, Lot 11, with said tangent curve to the right, an arc distance of 19.26 feet to a an "X" cut found for corner for the southeast corner of said Lot 11, same being the northeast corner of aforesaid Block A, Lot 9;

THENCE North 82°23'04" West, along the southerly line of said Block A, Lot 10 and the northerly line of said Bloc A, Lot 9, a distance of 239.46 feet to the **POINT OF BEGINNING** and containing 2.163 acres (94,221 square feet) of land, more or less.

OWNER'S CERTIFICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Q SEMINOLE ANNA TOWN CENTER, LP; acting herein by and through their duly authorized officers, do hereby adopt this plat designating the hereinabove described property as **ANNA TOWN CENTER ADDITION, BLOCK A, LOTS 10R & 11R, REPLAT OF BLOCK A, LOTS 10 AND 11,** 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.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress,
and regress in, along, upon, and across said premises.

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

WITNESS, my hand at _____, _____, this the _____ day of _____, 2022.

Q Seminole Anna Town Center, L.P.

By: _____

_____
(Printed Name)

_____
(Title)

STATE OF TEXAS §
§
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____ of Q Seminole Anna Town Center, L.P., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2022.

_____
Notary Public in and for the State of Texas

_____
Printed Name

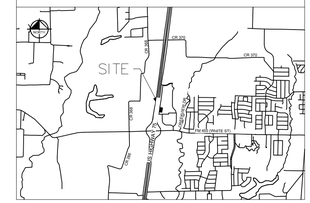
_____
My Commission Expires

GENERAL NOTES:

1. All corners set are monumented with a 5/8 inch iron rod with red plastic cap stamped "KHA", unless otherwise noted.
2. All bearings shown are based on grid north of the Texas Coordinate System, NAD83, North Central Zone 4202. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999856573. Vertical Datum NAVD 88.
3. The purpose of this replat is to adjust the common lot line of Lots 10R and 11R to allow for site development.
4. 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.

VICINITY MAP

NOT TO SCALE



STATE OF TEXAS §
§
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS

That I, Michael B. Marx, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

_____
Michael B. Marx
Registered Professional Land Surveyor
Texas Registration No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Pkwy., Suite 210
Frisco, TX 75034
(972) 335-3580
michael.marx@kimley-horn.com

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 Michael B. Marx, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2022.

_____
Notary Public in and for the State of Texas

_____
Printed Name

_____
My Commission Expires

Approved this _____ day of _____, 2022, by the City Council of the City of Anna, Texas.

_____
Mayor

_____
City Secretary

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

EXHIBIT A

ANNA TOWN CENTER ADDITION

BLOCK A, LOTS 10R & 11R

REPLAT OF BLOCK A, LOTS 10 AND 11
ANNA TOWN CENTER ADDITION, BLOCK A, LOTS
5-8, RECORDED IN VOLUME 2020, PAGE 822,
PLAT RECORDS, COLLIN COUNTY, TEXAS

2.163 ACRES
OUT OF THE
W.S. RATTON SURVEY, ABSTRACT NO. 752
CITY OF ANNA, COLLIN COUNTY, TEXAS
FEBRUARY 2022

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	MBM	KHA	FEB. 2022	064465507	1 OF 1

OWNER:
Q Seminole Anna Town Center, LP
8111 Westchester Dr., Suite 800
Dallas, TX 75225
Ph: 214.884.3249
Contact: Brian Bischoff

APPLICANT:
Kimley-Horn and Associates, Inc.
13455 Noel Road, Suite 700
Dallas, TX 75240
Ph: 972.770.1300
Fax: 972.239.3820
Contact: Joe Fraccaro, PE

DWG NAME: K:\FRI_SURVEY\064465504-ANNA TOWN CENTER PHASE 2\DWG\064465506 LOT 10 AND 11 REPLAT VER18.DWG PLOTTED BY MARX, MICHAEL 2/17/2022 8:00 AM LAST SAVED 1/21/2022 7:13 AM

Item No. 6.g.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Approve a Resolution regarding the Anna Town Center Addition, Block A, Lot 11R, Site Plan. (Director of Development Services Ross Altobelli)

SUMMARY:
Restaurant on one lot on 1.4± acres located on the east side of U.S. Highway 75, 1,487± feet north of W. White Street. Zoned: Planned Development-C-2 General Commercial (Ord. No. 648-2014).

The purpose of the site plan is to show the proposed restaurant development site improvements.

The Planning & Zoning Commission recommended approval.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 1: Growing Anna Economy

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. Anna Town Center Block A Lot 11R Locator Map
2. RESOLUTION - (SP) Anna Town Center Addition, Block A, Lot 11R
3. Exhibit A (STAMPED) Site Plan - Anna Town Center Addition, Lot 11R

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Anna Town Center, Block A, Lot 11R - Site Plan

L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN CENTER ADDITION, BLOCK A, LOT 11R, SITE PLAN.

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

WHEREAS, Seminole Anna Town Center LP has submitted an application for the approval of the Anna Town Center Addition, Block A, Lot 11R, Site Plan; and

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

Section 1. Recitals Incorporated.

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

Section 2. Approval of Site Plan

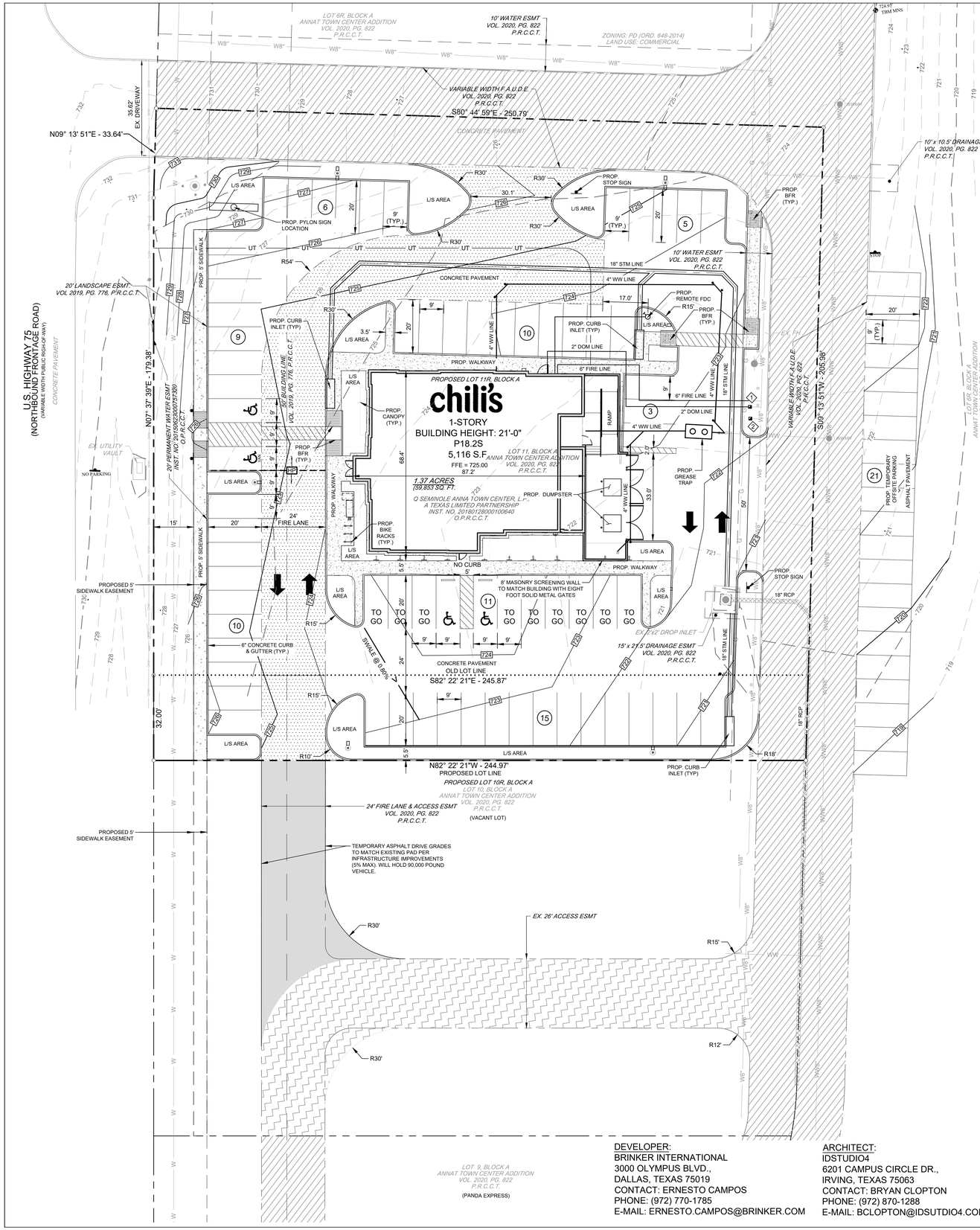
The City Council hereby approves the Anna Town Center Addition, Block A, Lot 11R, Site Plan attached hereto as Exhibit A subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

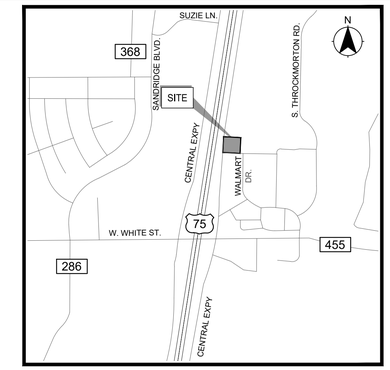
PASSED AND APPROVED by the City Council of the City of Anna, Texas, on this 8th day of March, 2022.

ATTEST: APPROVED:

_____ _____

City Secretary, Carrie L. Land Mayor, Nate Pike





VICINITY MAP
NOT TO SCALE

SITE PLAN NOTES

1. **SURVEYING:** ALL SURVEYING REQUIRED FOR CONSTRUCTION STAKING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE DEVELOPER SHALL PROVIDE THE PROPERTY CORNERS AND TWO BENCHMARKS FOR USE AS HORIZONTAL AND VERTICAL DATUM. THE CONTRACTOR SHALL EMPLOY A REGISTERED PROFESSIONAL LAND SURVEYOR TO PERFORM ALL ADDITIONAL SURVEY, LAYOUT AND MEASUREMENT WORK NECESSARY FOR THE COMPLETION OF THE PROJECT.
2. **PROTECTION OF PROPERTY CORNERS AND BENCHMARKS:** THE CONTRACTOR SHALL PROTECT ALL PROPERTY CORNER MARKERS AND BENCHMARKS, AND WHEN ANY SUCH MARKERS OR MONUMENTS ARE IN DANGER OF BEING DISTURBED, THEY SHALL BE PROPERLY REFERENCED AND IF DISTURBED, SHALL BE RESET BY A REGISTERED PUBLIC SURVEYOR AT THE EXPENSE OF THE CONTRACTOR.
3. **DIMENSIONAL CONTROL:** ALL PAVING DIMENSIONS AND COORDINATES SHOWN ARE TO FACE OF CURB WHERE APPLICABLE. ALL DIMENSIONS SHOWN AT PL CURB POINTS ARE AT THE INTERSECTION OF THE FACE OF CURB.
4. **CURB RADII:** ALL CURB RADII SHALL BE 3 FEET TO FACE OF CURB UNLESS OTHERWISE NOTED.
5. **BUILDING DIMENSIONS:** CONTRACTOR SHALL REFER TO BUILDING PLANS FOR ACTUAL BUILDING DIMENSIONS. THE DIMENSIONS AND CORNERS SHOWN ARE TO FACE OF OUTSIDE WALLS OF BUILDING.
6. **ACCESSIBLE PARKING:** ACCESSIBLE PARKING AREAS SHALL BE CONSTRUCTED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT ADOPTED INTERNATIONAL BUILDING CODE.
7. **FIRE LANE:** FIRE LANES SHALL BE CONSTRUCTED AND MARKED PER CITY STANDARDS REFERENCE SITE PLAN DETAILS.
8. **SIGNS:** CONTRACTOR TO PROVIDE ACCESSIBLE PARKING SIGNS AND POLES.
9. **SCREENING WALL**: 8-FOOT MASONRY SCREENING WALL TO MATCH BUILDING WITH 8-FOOT SOLID METAL GATES.

Item	*Lot 11R, Block A*	*Lot 6R, Block A (offsite parking)*
General Site Data		
Zoning (from Zoning Map)	PD-C	PD-C
Land Use (from Zoning Ordinance)	Commercial	Commercial
Lot Area (acres)	1.37	35.77
Lot Area (square feet)	59,853	1,558,271
Building Footprint Area (square feet)	5,117	0
Total Building Area (square feet)	5,117	0
Building Height (# stories)	1	0
Building Height (feet - distance to tallest building element)	21	0
Lot Coverage (percent - x.xx%)	8.55%	0.00%
Parking		
Parking Ratio (from Zoning Ordinance)	1 space per 100 sf of floor area	1 space per 100 sf of floor area
Required Parking (# spaces)	52	0
Provided Parking (# spaces)	69	21
Accessible Parking Required (# spaces)	4	0
Accessible Parking Provided (# spaces)	4	0
Landscape Area (including turf areas)		
Landscape Edge Area Provided (square feet)	10,040	0
Required Interior Landscape Area (parking lot landscaping) (square feet)	-	-
Additional interior landscape area provided (square feet)	-	-
Water Conservation Areas (square feet)	-	-
Total Landscape Area	10,040	0
Impervious Area		
Building Footprint Area (square feet)	5,117	0
Area of Sidewalks, Pavement & other Impervious Flatwork (square feet)	44,696	3,780
Other Impervious Area	0	0
Total Impervious Area	49,813	3,780

N

0 10 20 40

SCALE 1" = 20'

LEGEND

	EXISTING FIRELANE
	PROPOSED FIRE LANE
	EXISTING ASPHALT FIRE LANE
	PROPOSED ASPHALT FIRE LANE
	BARRIER FREE RAMP
	PROPOSED SIGN
24	PARKING COUNT
VAN	VAN ACCESSIBLE PARKING
	ACCESSIBLE PARKING
AC	ACRES
PROP.	PROPOSED
EX.	EXISTING
BFR	BARRIER FREE RAMP
L/S	LANDSCAPE AREA
	LIGHT POLE

WATER METER SCHEDULE

ID	TYPE	SIZE	WW SIZE	REMARKS
1	DOMESTIC	2"	6"	PROPOSED
2	IRRIGATION	1"	NA	PROPOSED

NOTES:

- ALL PROPOSED FIRE LANE, PARKING AND DRIVEWAYS ARE TO BE BUILT WITH CONCRETE PAVEMENT UNLESS OTHERWISE SPECIFIED.
- TEMPORARY OFFSITE PARKING LOCATED EAST OF SITE TO BE DEMOLISHED ONCE DEVELOPMENT ON LOT 6R, BLOCK A PROCEEDS.

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

EXHIBIT A

SITE PLAN
ANNA TOWN CENTER ADDITION
BLOCK A, LOT 11R
1.37 ACRES
LOCATED IN THE
W.S. RATTON SURVEY ABSTRACT NO. 752
CITY OF ANNA, COLLIN COUNTY, TEXAS
FEBRUARY 2, 2022

DEVELOPER:
BRINKER INTERNATIONAL
3000 OLYMPUS BLVD.,
DALLAS, TEXAS 75019
CONTACT: ERNESTO CAMPOS
PHONE: (972) 770-1785
E-MAIL: ERNESTO.CAMPOS@BRINKER.COM

ARCHITECT:
IDSTUDIO4
6201 CAMPUS CIRCLE DR.,
IRVING, TEXAS 75063
CONTACT: BRYAN CLOPTON
PHONE: (972) 870-1288
E-MAIL: BCLOPTON@IDSUTDIO4.COM

ENGINEER:
KFM ENGINEERING & DESIGN
3501 OLYMPUS BLVD., SUITE 100
DALLAS, TEXAS 75019
CONTACT: JEFF BARAN, P.E.
PHONE: (817) 899-0030
E-MAIL: JBARAN@KFM-LLC.COM
TBPE #: F-20821

LANDSCAPE ARCHITECT:
BELLE FIRMA
4245 NORTH CENTRAL EXPY., SUITE 501
DALLAS, TEXAS 75205
CONTACT: KORI HAUG
PHONE: (214) 865-7192
E-MAIL: KHAUG@BELLEFIRMA.COM

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
13455 NOEL RD., TWO GALLERIA OFFICE TOWER, SUITE 700
DALLAS, TEXAS 75240
CONTACT: JOE FRACCARO
PHONE: (972) 770-1300
E-MAIL: JOE.FRACCARO@KIMLEY-HORN.COM

Item No. 6.h.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Approve a Resolution regarding the East Foster Crossing, Block A, Lot 1, Site Plan. (Director of Development Services Ross Altobelli)

SUMMARY:
Multiple-family residences on one lot on 8.3± acres located at the northeast corner of E. Foster Crossing Road and Vail Lane. Zoned: Planned Development-MF-2 Multiple-Family Residential – High Density (PD-MF-2) (Ord. No. 941-2021).

The purpose of the site plan is to show the proposed multiple-family residential development site improvements.

The Planning & Zoning Commission recommended approval.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. East Foster Crossing Locator Map
2. RESOLUTION - (SP) East Foster Crossing, Block A, Lot 1
3. Exhibit A (STAMPED) (SP) East Foster Crossing

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

East Foster Crossing, Block A, Lot 1, Site Plan

L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING EAST FOSTER CROSSING, BLOCK A, LOT 1, SITE PLAN.

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

WHEREAS, East Foster, LLC has submitted an application for the approval of the East Foster Crossing, Block A, Lot 1, Site Plan; and

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

Section 1. Recitals Incorporated.

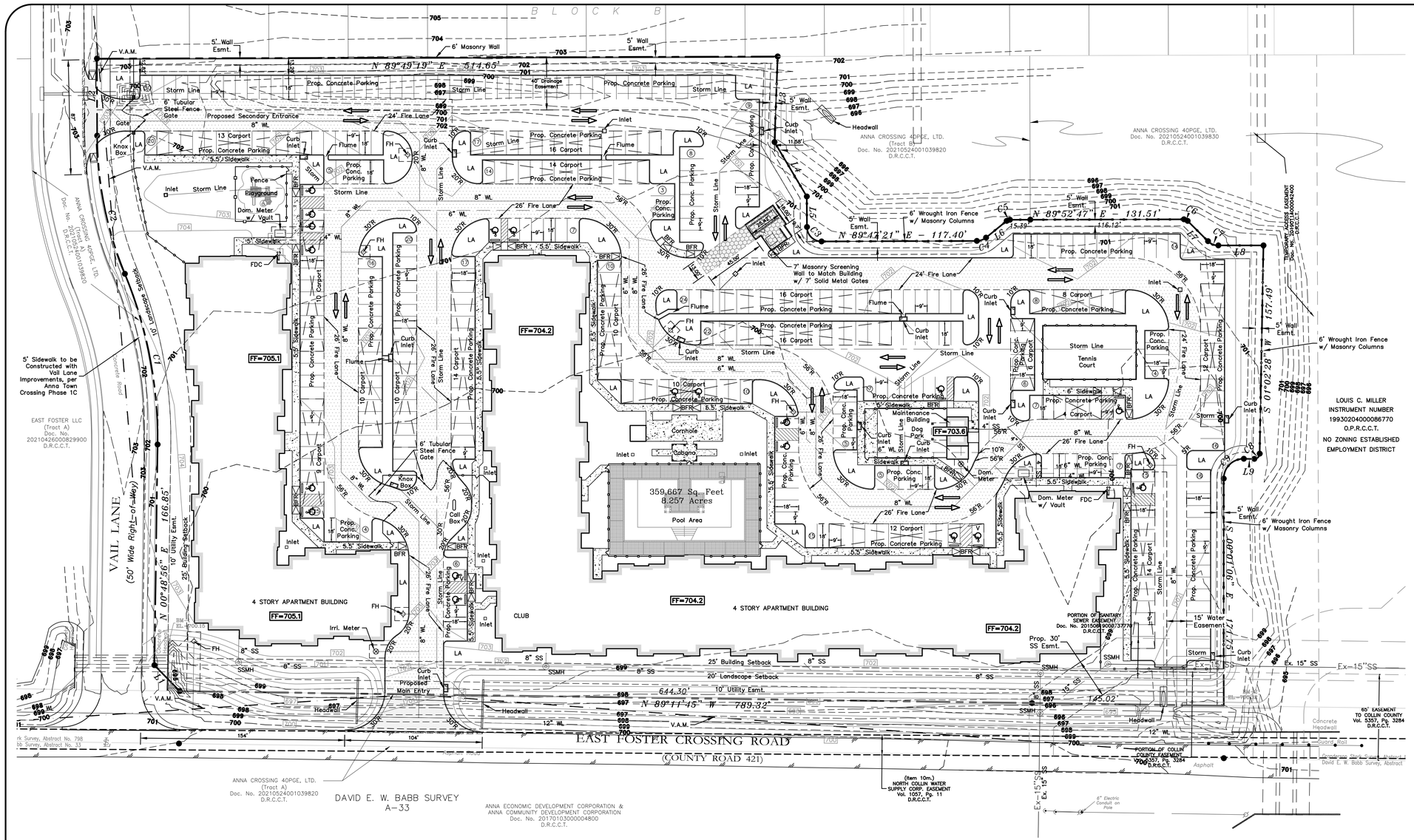
The recitals above are incorporated herein as if set forth in full for all purposes.

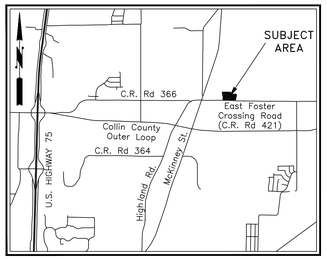
Section 2. Approval of Site Plan

The City Council hereby approves the East Foster Crossing, Block A, Lot 1, Site Plan attached hereto as Exhibit A subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

PASSED AND APPROVED by the City Council of the City of Anna, Texas, on this 8th day of March, 2022.

ATTEST:	APPROVED:
_____	_____
City Secretary, Carrie L. Land	Mayor, Nate Pike



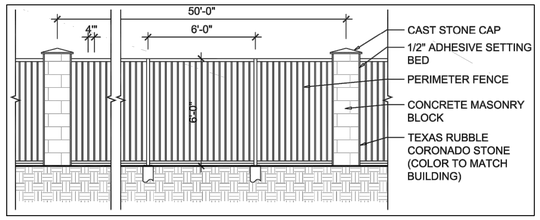


VICINITY MAP

NTS

0 40 100

GRAPHIC SCALE 1"=40'



SCREENWALL DETAIL

SITE DATA TABLE

Zoning:	PD-C	
Proposed Use:	Multi-Family	
Lot Area:	8.257	Acres (359,674 SF)
Building Height Information:	55'	(4-Stories)
Building Area Information:	299,348	SF
Lot Coverage:	20.81%	(74,837 SF Footprint)
Floor to Area Ratio (FAR):	4.00	:1
Multi-Family Units		
# of 1 Bedrooms/Minimum Unit Size	75/804 SF	
# of 2 Bedrooms/Minimum Unit Size	104/960 SF 17/1,105 SF	
# of 3 Bedrooms/Minimum Unit Size	43/1,164 SF	
Total Unit Count	239	Units
Parking:		
Parking Ratio	1.5 per dwelling unit	
Parking Ratio	0.25 visitior per unit	
Required Parking:		
Resident Parking	350	Spaces
Visitor Parking	60	Spaces
ADA Parking Required	9	Spaces
Total Required Parking	419	Spaces
Provided Parking:		
Resident Surface Parking	147	Spaces
Resident Covered Parking	194	Spaces
ADA Covered Parking	9	Spaces
ADA Surface Parking	10	Spaces
Visitor Parking	60	Spaces
Total Parking Provided	420	Spaces
Required Internal Landscape Area:	3,344 SF (8 SF per parking space)	
Total Landscape Area	99,553 SF	

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

EXHIBIT A

VISIBILITY, ACCESS, AND MAINTENANCE EASEMENT (VAM)

The area or areas shown as "VAM" (Visibility , Access, and Maintenance) easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

FLOODPLAIN NOTE:

Parcel lies within "ZONE X" (Un-Shaded) and is outside of the 100-year and 500-year floodplain per FEMA FIRM Panel No. 4808C0160J effective date of June 2, 2009.

CITY OF ANNA BTR OPEN SPACE ANALYSIS

REQUIRED			
NUMBER OF BEDROOMS	REQUIREMENT	NUMBER OF UNITS	REQUIRED SF
ONE	600 SF	75	45,000
TWO	900 SF	121	108,900
THREE	1,200 SF	43	51,600
TOTAL			205,500 SF
PROVIDED			
TYPE	ACTUAL AREA	MULTIPLIED AREA	% OF TOTAL OPEN SPACE
POOL	7,663 SF	22,989 SF	26.59%
PLAYGROUND	1,620 SF	4,860 SF	5.62%
CLUBHOUSE	2,052 SF	6,156 SF	7.12%
AMENITIES ADJACENT POOL	1,478 SF		1.70%
DOG PARK	2,092 SF		2.42%
TENNIS COURT	2,798 SF		3.23%
LINEAR WALKWAYS	11,907 SF		13.77%
LANDSCAPE SETBACK	34,161 SF		39.51%
TOTAL	86,441		61.29%

UNIT			BUILDING A FLOOR				BUILDING B FLOOR				TOTAL	
			1	2	3	4	1	2	3	4	UNITS	S.F.
1 BEDROOM/1BATH	804 S.F.	A1	12	13	13	13	5	5	3	5	69	55,476
2 BEDROOM/2 BATH	960 S.F.	B1	16	18	17	18	9	7	9	8	102	97,920
2 BEDROOM/2 BATH	1,005 S.F.	B2	1	2	2	2	1	1	1	1	11	11,055
3 BEDROOM/2 BATH	1,164 S.F.	C1	5	5	6	5	4	5	5	5	40	46,560
1 BEDROOM/1BATH	804 S.F.	A1 (ADA)	0	1	1	1	0	0	1	0	4	3,216
2 BEDROOM/2 BATH	960 S.F.	B1 (ADA)	1	1	1	1	0	1	0	1	6	5,760
3 BEDROOM/2 BATH	1,164S.F.	C1(ADA)	1	0	0	0	1	0	0	0	2	2,328
1 BEDROOM/1BATH	804 S.F.	A1 (H/V)	1	0	0	0	0	0	1	0	2	1,608
2 BEDROOM/2 BATH	960 S.F.	B1 (H/V)	0	0	1	0	0	1	0	0	2	1,920
3 BEDROOM/2 BATH	1,164S.F.	C1(H/V)	0	1	0	0	0	0	0	0	1	1,164
										TOTAL	239	227,007

Palladium Anna #21176
UNIT TABULATION CREATED 11-18-2021

TYPE	AREA	NO	%	TOTAL AREA	
A1	804	75	31.38%	60,300	31.38%
B1	960	110	46.03%	105,600	50.63%
B2	1,005	11	4.60%	11,055	
C1	1,164	43	17.99%	50,052	17.99%
TOTAL		239	100.00%	227,007	

AVERAGE UNIT SIZE : 949.82

BUILDING TYPES	A	B	TOTAL
NO. BLDGS	1	1	2
A1	55	20	75
B1	74	36	110
B2	7	4	11
C1	23	20	43
UNITS/BLDG	159	80	
UTS/BLDG TYPE	159	80	239

NOTE: In order to prepare this Preliminary Site Plan, we have reviewed available City Zoning Ordinances and had conversations with City Staff to determine appropriate Building Setbacks, Required Parking, allowable land use, etc. After reviewing all available information, THIS SITE PLAN APPEARS TO MEET ALL APPLICABLE ZONING, SITE DEVELOPMENT ORDINANCES, AND BUILDING CODE ORDINANCES, AS THEY PERTAIN TO SITE LAYOUT. This Preliminary Site Plan has not been presented to the City for their review or approval. Some modifications may be required once this Preliminary Site Plan is submitted to all jurisdictional entities for their review and comment.

LEGEND

- Firelane
- Carport
- Proposed Fire Hydrant
- BFR Barrier Free Ramp

STOP!
CALL BEFORE YOU DIG
Texas811 Know what's below.
(@ least 72 hours prior to digging)

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

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

ARCHITECT:
HEDK Architects
4595 Excel Parkway
Addison, TX 75001
Phone (214) 520-8878
Contact: Lester Young

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

BENCHMARK:

BM-1 = 'X' in top of Concrete Headwall at the northeast corner of headwall on the north side of East Foster Crossing Road and on the east side of Vail Lane near the southwest corner of the subject property. Elev.=700.15

BM-2 = 'X' in top of Concrete Headwall approximately 17.3± east of the west edge of the headwall on the north side of East Foster Crossing Road near the southeast corner of the subject property. Elev.=700.32

Issue Dates:	Revision & Date:
1 02/09/2022	1
2	2
3	3
4	4
5	5
6	6

CROSS ENGINEERING CONSULTANTS
1720 W. Virginia Street McKinney, Texas 75069
972.562.4409 Texas P.E. Firm No. F-5935

Drawn By:	Lot 1, Block A	Scale:
C.E.C.I.	8.257 Acres	1"=40'

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JONATHAN D. HAKE, P.E. NO. 94738 ON 02/09/22. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

SITE PLAN

EAST FOSTER CROSSING
BLOCK A, LOT 1
18.257 ACRES, ANNA, COLLIN COUNTY, TEXAS
GRANDERSON STARK SURVEY, ABST 798, 2/28/22

Sheet No.
SP

Project No.
21064

EAST FOSTER CROSSING

Item No. 6.i.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Development Agreement – Anna West (Director of Development Services Ross Altobelli)

Approve a Resolution entering into a Development Agreement with Yn, LLC, to establish development and design regulations for residential and nonresidential development on 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

SUMMARY:
The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the city to create well designed and attractive architecture.

Approving the development agreement in no way puts an obligation on the City Council to approve the rezoning request. It only puts in place development and design regulations should the decision be made to approve the zoning request.

AS OF 2PM ON FRIDAY, MARCH 4TH CITY STAFF HAD YET TO RECEIVE BUILDING MATERIAL PERCENTAGES ASSOCIATED WITH EXHIBIT 3 (ARCHITECTURAL ELEVATIONS). STAFF WILL PROVIDE THIS INFORMATION PRIOR TO THE COUNCIL MEETING.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. Resolution - DA (Anna West)
2. Council Draft (Development Agreement building material and architectural

standards) Anna West

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH YN, LLC, RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL ON 43.9± ACRES LOCATED ON THE NORTH SIDE OF FARM-TO-MARKET ROAD 455, 250± FEET WEST OF COUNTY ROAD 287.

WHEREAS, Yn, LLC, is the Property Owners of real estate generally located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287; and

WHEREAS, Property Owners desire to zone the subject property to allow multiple-family residential with modified development standards; and

WHEREAS, Property Owner has agreed to development and design regulations should the City approve granting the zoning for the property.

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

Section 1. **Recitals Incorporated.**

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

Section 2. **Approval**

The City Council hereby approves the Development Agreement with Yn, LLC, attached hereto as Exhibit A, and ratifies and approves the City Manager's execution of the same. The City Manager is hereby authorized to execute all documents and take all other actions necessary to finalize, act under and enforce the Agreement.

PASSED by the City Council of the City of Anna, Texas, on this 8th day of March 2022.

ATTESTED:	APPROVED:
_____	_____
Carrie L. Land, City Secretary	Nate Pike, Mayor

EXHIBIT A

DEVELOPMENT AGREEMENT

This Development Agreement (this "**Agreement**") is entered effective as of March 22, 2022 ("Effective Date") between and among the City of Anna, Texas, a Texas home-rule municipality **("City")** and Yn, LLC **("Property Owner")** as follows:

RECITALS

WHEREAS, the Property Owner is the sole owner of 43.9± acres of real property described in Exhibit 1 and depicted on Exhibit 2, (the "**Property**"); and,

WHEREAS, Property Owner has applied to rezone the Property to allow for Planned Development which will include the following zoning districts with modified development standards; MF-2 Multiple-Family Residential – High Density (MF-2); and,

WHEREAS, the City's Planning & Zoning Commission and City Council have given the requisite notices by publication and otherwise and have scheduled public hearings with respect to the rezoning of the Property as required by law; and,

WHEREAS, in the case of the Property being rezoned, the City and Property Owner desire to enter into a development agreement to establish development and design regulations to ensure that future development is appropriate for the area and fits in well with adjacent properties; and,

WHEREAS, it is the Parties' mutual intent that this agreement shall govern only the subject matter specifically set forth herein and shall supersede provisions of Anna City Code of Ordinances and other regulations and adopted policies of the City (collectively, "City Regulations") only to the extent that any such City Regulations directly conflict with the terms of this development agreement; and,

NOW, THEREFORE, in consideration of the above recitals and the mutual consideration as reflected in the covenants, duties and obligations contained herein, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows, effective as of the Effective Date:

SECTION 1. RECITALS INCORPORATED.

The recitals set forth above are incorporated herein as if set forth in full to further describe the Parties' intent under this development agreement and said recitals constitute representations by Property Owner and the City.

DRAFT

SECTION 2. DEVELOPMENT STANDARDS / BUILDING MATERIALS.

Development and use of the Property, including, without limitation, the construction, installation, maintenance, repair, and replacement of all buildings and all other improvements and facilities of any kind whatsoever on and within the Property, shall be in compliance with City Regulations unless expressly stated to the contrary in this Agreement. City Regulations shall apply to the development and use of the Property unless expressly set forth to the contrary in this Agreement. It is expressly understood and the Parties agree that City Regulations applicable to the Property and its use and development include but are not limited to City Code provisions, ordinances, design standards, uniform codes, zoning regulations not affected by this Agreement, and other policies duly adopted by the City including without limitation any such regulations or requirements that were affected by the passage of Texas H.B. 2439, 86(R), codified as Chapter 3000 of the Texas Government Code ("Materials and Methods Regulations"), which are collectively incorporated herein as if set forth in full for all purposes; provided, however, to the extent of any conflict between the requirements of Materials and Methods Regulations and the requirements of this Agreement, this Agreement shall control. For purposes of this Agreement, "City Regulations" mean the City's applicable development regulations in effect on the Effective Date, including without limitation City Code provisions, ordinances (including, without limitation, all development fees), design standards, and other policies duly adopted by the City; provided, however, that as it relates to public infrastructure for any given phase of the Project, the applicable construction standards (including, without limitation, uniform building codes) shall be those that the City has duly adopted at the time of the filing of an application for a preliminary plat for that phase unless construction has not commenced within two years of approval of such preliminary plat in which case the construction standards shall be those that the City has duly adopted at the time that construction commences.

With respect to all structures/development within the PD-MF-2 Zoning District, Property Owner agrees to comply or to cause the builders to comply and any other successors or assigns to comply with all City Regulations and with the masonry material requirements and all other requirements of the Anna City Code of Ordinances, Article 9.04 Zoning Ordinance, Section 9.04.034 Supplementary District Regulations, Subsection (e) Architectural Design Standards, which are incorporated herein as if set forth in full for all purposes, and with the following standards (in the event of any conflict, the following listed standards shall govern).

<u>Multiple-Family Residence Buildings</u>

A. Multi-family building materials and building variation types shall be in general conformance with the Concept Plan attached as Exhibit 2 and Elevations attached as Exhibit 3.

B. Roofing materials of for buildings and structures must be architectural roof shingles, said shingles shall be accompanied with a minimum 25-year warranty. Under no circumstances shall three-tab shingles be used as roofing material.

C. Accessory buildings shall have elevations consistent with those set forth in Exhibit 3.

SECTION 3. NOTICES.

Any and all notices required to be given by either of the parties hereto must be in writing and will be deemed delivered upon personal service, if hand-delivered, or when mailed in the United States mail, certified, return receipt requested, addressed as follows:

To City:	City Manager City of Anna 111 North Powell Parkway PO Box 776 Anna, Texas 75409
To Property Owner:	Yn, LLC 1062 Miller Road Allen, TX 75013 Attn: Jaya Deepika Bathina

SECTION 4. MODIFICATIONS OR TERMINATION.

This Agreement may only be modified and/or terminated as follows: (a) by mutual written agreement of Property Owner and City; and/or (b) unilaterally by City upon default of the Property Owner. Notwithstanding the foregoing or any other provision of this Agreement, this Agreement shall terminate and be null and void if the City does not approve the rezoning of the Property to be zoned as Planned Development-Multiple-Family Residential - High Density (PD-MF-2), as set forth in Section 9.04 of the Anna City Code of Ordinances, ("Zoning Ordinance"). The parties acknowledge and agree that the rezoning of the Property is a legislative act and that this Agreement does not bind the City Council to approve any proposed rezoning of the Property.

SECTION 5. DEFAULT.

If Property Owner, its heirs, successors or assigns or subsequent owners of the Property, fail to fully comply with all the terms and conditions included in this Agreement (the "Defaulting Owner"), City will have the following non-exclusive and cumulative remedies.

A. Withholding of utilities or withholding or revocation of permits and other approvals required for development and use of the portion of the Property that is the subject of the default (but no other portions of the Property) including without limitation building permits and certificates of occupancy.

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B. The Defaulting Owner, or its heirs, successors or assigns, or subsequent owners of the Property (collectively, the "Defaulting Developer Parties") shall be liable to pay to the City the sum of $2,000 for each failure to fully comply with the development standards set forth in Section 3 of this Agreement. The Defaulting Developer Parties shall be liable to pay the City said $2,000 sum per day for each day that such failure to comply occurs. The sums of money to be paid for such failure(s) is not to be considered as a penalty, but shall be deemed, taken and treated as reasonable liquidated damages that accrue per day that such a failure shall exist or occur. The said amounts are fixed and agreed upon by the parties because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages the City in such event would sustain; and said amounts are agreed to be the amounts of damages which the City would sustain. Notwithstanding the foregoing, none of the Defaulting Developer Parties shall be liable to pay the liquidated damages that accrue under this paragraph unless there is a breach of any material term or condition of this Agreement and such breach remains uncured after forty-five (45) calendar days following receipt of written notice from the City provided in accordance with this Agreement describing said breach in reasonable detail (or, if the cure of the breach has diligently and continuously been undertaken but reasonably requires more than forty-five (45) calendar days to cure, then such additional amount of time as is reasonably necessary to effect the cure, as determined by both Parties mutually and in good faith but in no event shall such additional period exceed 120 days unless agreed to in writing by the parties to this Agreement). In the event of a breach that is not timely cured in accordance with this paragraph, the sum of liquidated damages shall be calculated to include each and every day of the occurrence of the breach beginning on the date that the City first provided written notice of such breach under this paragraph and the City shall not be required to provide a subsequent written notices as to subsequent dates or times during which such breach is repeated or continues to occur.

C. In the event of a default, the non-defaulting party will additionally have any and all remedies available to it at equity or in law.

SECTION 6. BINDING ON SUCCESSORS, AGREEMENT RUNS WITH THE LAND.

Except as otherwise provided for herein, this Agreement will be binding upon and inure to the benefit of the parties' respective successors, assigns and personal representatives. This Agreement will run with the land and be binding on all subsequent Property Owners.

SECTION 7. INDEMNIFICATION AND HOLD HARMLESS.

THE PROPERTY OWNER, INCLUDING ITS SUCCESSORS AND ASSIGNS (THE "INDEMNIFYING PARTY"), HEREBY COVENANTS AND AGREES TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY THE CITY AND ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES, FROM AND AGAINST ALL THIRD-PARTY CLAIMS, SUITS, JUDGMENTS, DAMAGES, AND DEMANDS (TOGETHER, "CLAIMS") AGAINST THE CITY, WHETHER REAL OR ASSERTED INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEY'S FEES, RELATED EXPENSES, EXPERT WITNESS FEES, CONSULTANT FEES, AND OTHER COSTS, ARISING OUT OF THE NEGLIGENCE OR OTHER WRONGFUL CONDUCT OF THE INDEMNIFYING PARTY, INCLUDING THE NEGLIGENCE OR OTHER WRONGFUL CONDUCT OF ANY OF ITS EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, MATERIAL MEN, AND AGENTS, IN CONNECTION WITH THE DESIGN OR CONSTRUCTION OF ANY PUBLIC INFRASTRUCTURE, STRUCTURES, OR OTHER FACILITIES OR IMPROVEMENTS THAT ARE REQUIRED OR PERMITTED UNDER THIS AGREEMENT AND/OR CITY REGULATIONS AND/OR ANY APPLICABLE DEVELOPMENT STANDARDS AND/OR ANY OTHER GOVERNING REGULATIONS; AND IT IS EXPRESSLY UNDERSTOOD THAT SUCH CLAIMS SHALL, EXCEPT AS MODIFIED BELOW, INCLUDE CLAIMS EVEN IF CAUSED BY THE CITY'S OWN CONCURRENT NEGLIGENCE SUBJECT TO THE TERMS OF THIS SECTION. THE INDEMNIFYING PARTY SHALL NOT, HOWEVER, BE REQUIRED TO INDEMNIFY THE CITY AGAINST CLAIMS CAUSED BY THE CITY'S SOLE NEGLIGENCE. IF THE CITY INCURS CLAIMS THAT ARE CAUSED BY THE CONCURRENT NEGLIGENCE OF THE INDEMNIFYING PARTY AND THE CITY, THE INDEMNIFYING PARTY'S INDEMNITY OBLIGATION WILL BE LIMITED TO A FRACTION OF THE TOTAL CLAIMS EQUIVALENT TO THE INDEMNIFYING PARTY'S OWN PERCENTAGE OF RESPONSIBILITY. THE INDEMNIFYING PARTY FURTHER COVENANTS AND AGREES TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY, THE CITY AGAINST ANY AND ALL CLAIMS BY ANY PERSON CLAIMING AN OWNERSHIP INTEREST IN THE PROPERTY AS OF THE DATE HEREOF WHO HAS NOT SIGNED THIS AGREEMENT IF SUCH CLAIMS RELATE IN ANY MANNER OR ARISE IN CONNECTION WITH: (1) THE CITY'S RELIANCE UPON ANY OF THE INDEMNIFYING PARTIES' REPRESENTATIONS IN THIS AGREEMENT; (2) THIS AGREEMENT OR OWNERSHIP OF THE PROPERTY; OR (3) THE CITY'S APPROVAL OF ANY TYPE OF DEVELOPMENT APPLICATION OR SUBMISSION WITH RESPECT TO THE PROPERTY. At no time shall the City have any control over or charge of the design, construction or installation of any of the improvements to the Property or related work or undertakings, nor the means, methods, techniques, sequences or procedures utilized for the design, construction or installation related to same. This Agreement does not create a joint enterprise or venture between the City and any of the Indemnified Parties. This Section 8 will survive the termination of this Agreement.

SECTION 8. RECORDATION.

The parties may record this document in the property records of Collin County on or after one (1) business day after Closing and funding of the Contract.

SECTION 9. ENTIRE AGREEMENT.

This Agreement is the entire agreement of the parties regarding the subject matter hereto.

SECTION 10. RECITALS AND EXHIBITS.

The recitals herein and exhibits attached hereto are hereby incorporated by reference.

SECTION 11. AUTHORITY.

Property Owner represents and warrants to the City that the Property Owner owns the Property that this Agreement is binding and enforceable on the Property.

SECTION 12. INVALID PROVISIONS.

If any provision of this Agreement is held not valid, such provision will be deemed to be excised there from and the invalidity thereof will not affect any of the other provisions contained herein.

SECTION 13. EFFECTIVE DATE.

This Agreement will be effective upon the Effective Date first stated herein.

CITY OF ANNA

By: _____
Jim Proce, City Manager

IN WITNESS WHEREOF:

STATE OF TEXAS

COUNTY OF COLLIN

Before me, the undersigned notary public, on the _____ day of _____, 2022, appeared Jim Proce, known to me (or proved to me) to be the person whose name is subscribed

DRAFT

to the foregoing instrument, and acknowledged to me that he executed the same in his capacity as City Manager of the City of Anna, Texas.

_____
Notary Public, State of Texas

DRAFT

Yn, LLC
a Texas Limited Liability Company

By: Yn, LLC
a Texas Limited Liability Company
Its Manager

By:_____
Name: Jaya Deepika Bathina
Title: Manager

IN WITNESS WHEREOF:

STATE OF _____

COUNTY OF _____

Before me, the undersigned notary public, on the _____ day of _____, 2022, appeared _____, known to me (or proved to me) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same in his/her capacity as property owner

_____
Notary Public, State of Texas

DRAFT

EXHIBIT “1”
PROPERTY DESCRIPTION

DRAFT

cole®

ST. LOUIS
Power House at Union Station
401 S. 18th Street, Suite 200
St. Louis, MO 63103
314.984.9887 *tel*

ST. CHARLES
1520 S. Fifth Street
Suite 307
St. Charles, MO 63303
636.978.7508 *tel*

DALLAS
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 *tel*

PHOENIX
2701 E. Camelback Road
Suite 175
Phoenix, AZ 85016
602.795.4111 *tel*

PROPERTY DESCRIPTION

BEING A CALLED 43.878 ACRE TRACT OF LAND SITUATED IN THE J.M. KINCAIDE SURVEY, ABSTRACT NO. 510, COLLIN COUNTY, TEXASBEING THAT SAME TRACT OF LAND DESCRIBED BY DEED TO YN LLC AS RECORDED IN DOCUMENT NO. 20180827001077280, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PBJ SURVEY" FOUND FOR THE SOUTHEAST CORNER OF SAID YN LLC TRACT AND SOUTHWEST CORNER OF A CALLED 26.39224 ACRES TRACT OF LAND DESCRIBED IN DEED TO MICHAEL J. HENDRICKS AS RECORDED IN VOLUME 2825, PAGE 366, O.P.R.C.C.T. AND WITH SAID CORNER BING IN THE NORTHERLY RIGHT-OF-WAY (R.O.W.) OF FARM-TO-MARKET (F.M.) ROAD NO. 455 (A CALLED VARIABLE WIDTH R.O.W.);

THENCE NORTH 43 DEGREES 23 MINUTES 55 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID YN LLC TRACT AND NORTHERLY R.O.W. LINE OF SAID F.M. NO. 455, A DISTANCE OF 543.52 FEET TO A WOOD R.O.W. MONUMENT FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 995.37 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH AN ARC LENGTH OF 215.71 FEET, AN INTERIOR (DELTA) ANGLE OF 12 DEGREES 24 MINUTES 59 SECONDS, A CHORD BEARING NORTH 49 DEGREES 36 MINUTES 12 SECONDS WEST AND A CHORD LENGTH OF 215.28 FEET TO A 1/2 INCH ROD FOUND FOR THE SOUTHWEST CORNER OF SAID YN LLC TRACT AND SOUTHEAST CORNER OF A CALLED 39.4464 ACRES TRACT OF LAND DESCRIBED IN DEED TO ROYCE SHAW AS RECORDED IN VOLUME 3825, PAGE 362, O.P.R.C.C.T.;

THENCE NORTH 45 DEGREES 57 MINUTES 19 SECONDS EAST, DEPARTING THE NORTHERLY R.O.W. OF SAID F.M. NO. 455 AND ALONG THE WESTERLY LINE OF SAID YN LLC TRACT AND WESTERLY LINE OF SAID SHAW TRACT, A DISTANCE OF 1891.83 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "COLE DESIGN GROUP #10193871" (TYPICAL) SET FOR THE NORTHWEST CORNER OF SAID YN LLC TRACT AND NORTHEAST CORNER OF SAID SHAW TRACT AND BEING IN THE SOUTH LINE OF A CALLED 10.07 ACRES TRACT OF LAND DESCRIBED IN DEED TO CIGANY RANCH, LLC AS RECORDED IN DOCUMENT NO. 20190708000793230, O.P.R.C.C.T.;

THENCE SOUTH 87 DEGREES 38 MINUTES 01 SECONDS EAST, ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY

RANCH TRACT, A DISTANCE OF 15.32 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 88 DEGREES 12 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY RANCH TRACT, PASSING THE SOUTHEAST CORNER OF SAID CIGANY RANCH TRACT AND SOUTHWEST CORNER OF A CALLED 15.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO KCKM PROPERTIES LLC AS RECORDED IN DOCUMENT NO. 20120328000359310, O.P.R.C.C.T. AND CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A TOTAL DISTANCE OF 284.90 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 204.91 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 318.80 FEET TO A POINT FOR THE NORTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT BEING IN HURRICANE CREEK AND BEING IN THE WESTERLY LINE OF A CALLED 4.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO DWIGHT CRIGGERS AS RECORDED IN DOCUMENT NO. 20090108000022530, O.P.R.C.C.T.;

THENCE CONTINUING ALONG THE COMMON WESTERLY LINE OF SAID CRIGGERS TRACT AND EASTERLY LINE OF SAID YN LLC TRACT AND ALONG HURRICANE CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 46 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 77.13 FEET TO A POINT FOR CORNER;
SOUTH 23 DEGREES 05 MINUTES 47 SECONDS WEST, A DISTANCE OF 224.25 FEET TO A POINT FOR CORNER;
SOUTH 26 DEGREES 24 MINUTES 03 SECONDS WEST, A DISTANCE OF 123.55 FEET TO A POINT FOR CORNER;
SOUTH 44 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 29.00 FEET TO A POINT FOR CORNER;
SOUTH 19 DEGREES 14 MINUTES 05 SECONDS WEST, A DISTANCE OF 99.00 FEET TO A POINT FOR CORNER;
SOUTH 7 DEGREES 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 79.00 FEET TO A POINT FOR CORNER;
SOUTH 74 DEGREES 44 MINUTES 04 SECONDS EAST, A DISTANCE OF 93.64 FEET TO A POINT FOR CORNER;
SOUTH 16 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 145.00 FEET TO A POINT FOR THE SOUTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT, SOUTHWEST CORNER OF SAID CRIGGERS TRACT AND NORTHERNMOST CORNER OF SAID HENDRICKS TRACT;

THENCE SOUTH 54 DEGREES 33 MINUTES 34 SECONDS WEST, DEPARTING SIDE HURRICANE CREEK AND ALONG THE COMMON EAST LINE OF SAID YN LLC TRACT AND WEST LINE OF SAID HENDRICKS TRACT, A DISTANCE OF 1883.98 FEET TO THE **POINT OF BEGINNING**, AND **CONTAINING**, WITHIN THE METES AND BOUNDS HEREIN RECITED, 43.878 ACRES (1,911,347 SQUARE FEET) OF LAND, MORE OR LESS.

COLE DESIGN GROUP, INC.
BRANCH REGISTRATION NUMBER 10193871

DANIEL L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5577
EMAIL: LJACKSON@COLETX.COM
PROJECT NO. 21-0180

STATE OF TEXAS
REGISTERED
DANIEL L. JACKSON
5577
PROFESSIONAL
LAND SURVEYOR

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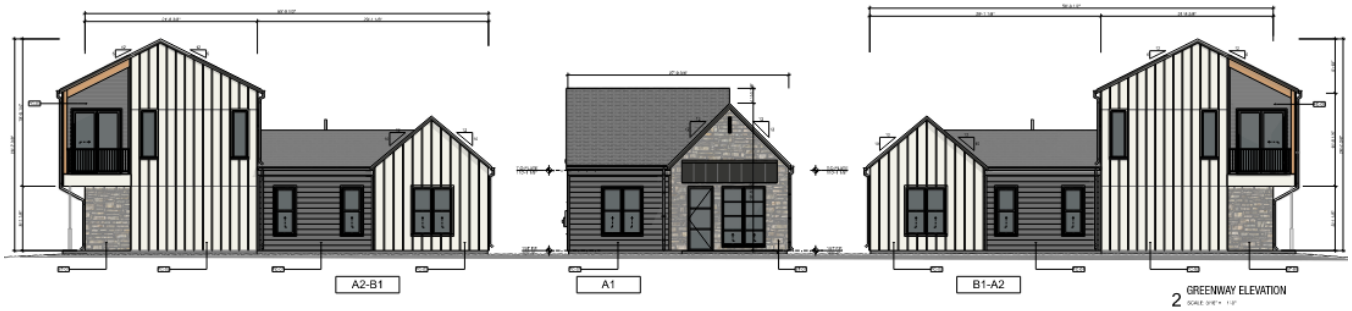
EXHIBIT “2”
CONCEPT PLAN

EXHIBIT "3"
ARCHITECTURAL ELEVATIONS



Item No. 6.j.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Development Agreement – Avery Pointe Commercial, Block A, Lot 3 (Director of Development Services Ross Altobelli)

Approve a Resolution entering into a development agreement with Anna 455 Commercial, LP to establish development and design regulations for self-storage, mini-warehouse development on 3.9± acres located on the east side of Ferguson Parkway, 314± feet north of W. White Street.

SUMMARY:
The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the city to create well designed and attractive architecture.

Approving the development agreement in no way puts an obligation on the City Council to approve the rezoning request. It only puts in place development and design regulations should the decision be made to approve the rezoning request.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
N/A

ATTACHMENTS:
1. Resolution - DA (Avery Pointe Commercial, Bl A, Lt 3, self-storage, mini-warehouse)
2. Development Agreement with Exhibits

APPROVALS:
Ross Altobelli, Director of Development Services — Created/Initiated - 3/3/2022
Jim Proce, City Manager — Final Approval - 3/4/2022

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANNA 455 COMMERCIAL, LP, RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR SELF STORAGE, MINI-WAREHOUSE DEVELOPMENT ON 3.9± ACRES LOCATED ON THE EAST SIDE OF FERGUSON PARKWAY, 314± FEET NORTH OF W. WHITE STREET.

WHEREAS, Anna 455 Commercial, LP, is the Property Owners of real estate generally located on the east side of Ferguson Parkway, 314± feet north of W. White Street; and

WHEREAS, Property Owners desire to amend the zoning of the subject property to allow self-storage, mini-warehouse by-right; and

WHEREAS, Property Owner has agreed to development and design regulations should the City approve granting a zoning amendment for the property.

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

Section 1. **Recitals Incorporated.**

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

Section 2. **Approval**

The City Council hereby approves the Development Agreement with Anna 455 Commercial, LP, attached hereto as Exhibit A, and ratifies and approves the City Manager's execution of the same. The City Manager is hereby authorized to execute all documents and take all other actions necessary to finalize, act under and enforce the Agreement.

PASSED by the City Council of the City of Anna, Texas, on this 8th day of March 2022.

ATTESTED:

_____
Carrie L. Land, City Secretary

APPROVED:

_____
Nate Pike, Mayor

DEVELOPMENT AGREEMENT

This Development Agreement (this "**Agreement**") is entered effective as of March 8, 2022 ("**Effective Date**") between and among the City of Anna, Texas, a Texas home-rule municipality **("City")** and Anna 455 Commercial, LP, a Texas limited partnership **("Property Owner")** as follows:

RECITALS

WHEREAS, the Property Owner is the sole owner of 3.961 acres of real property described on Exhibit 1 and identified as Lot 3 and depicted on Exhibit 2 (the "**Property**"); and,

WHEREAS, the Property is presently under contract (the **"Contract"**) to be sold by the Property Owner and purchased by The Davis Group or it's permitted assigns (the **"Developer"**); and,

WHEREAS, Property Owner has, at the request of Developer, applied to rezone the Property to allow for a self-storage, mini-warehouse by-right and to modify existing development standards; and,

WHEREAS, the City's Planning & Zoning Commission and City Council have given the requisite notices by publication and otherwise and have scheduled public hearings with respect to the rezoning of the Property as required by law; and,

WHEREAS, in the case of the Property being rezoned, the City and Property Owner desire to enter into a development agreement to establish development and design regulations to ensure that future self-storage, mini-warehouse development is appropriate for the area and fits in well with adjacent properties; and,

WHEREAS, it is the Parties' mutual intent that this agreement shall govern only the subject matter specifically set forth herein and shall supersede City Regulations only to the extent that any such City Regulations directly conflict with the terms of this development agreement; and,

NOW, THEREFORE, in consideration of the above recitals and the mutual consideration as reflected in the covenants, duties and obligations contained herein, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows, effective as of the Effective Date:

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SECTION 1. RECITALS INCORPORATED.

The recitals set forth above are incorporated herein as if set forth in full to further describe the Parties' intent under this development agreement and said recitals constitute representations by Property Owner, Developer, and the City.

SECTION 2. DEVELOPMENT STANDARDS / BUILDING MATERIALS.

Development and use of the Property, including, without limitation, the construction, installation, maintenance, repair, and replacement of all buildings and all other improvements and facilities of any kind whatsoever on and within the Property, shall be in compliance with City Regulations unless expressly stated to the contrary in this Agreement. City Regulations shall apply to the development and use of the Property unless expressly set forth to the contrary in this Agreement. It is expressly understood and the Parties agree that City Regulations applicable to the Property and its use and development include but are not limited to City Code provisions, ordinances, design standards, uniform codes, zoning regulations not affected by this Agreement, and other policies duly adopted by the City including without limitation any such regulations or requirements that were affected by the passage of Texas H.B. 2439, 86(R), codified as Chapter 3000 of the Texas Government Code ("Materials and Methods Regulations"), which are collectively incorporated herein as if set forth in full for all purposes; provided, however, to the extent of any conflict between the requirements of Materials and Methods Regulations and the requirements of this Agreement, this Agreement shall control. For purposes of this Agreement, "City Regulations" mean the City's applicable development regulations in effect on the Effective Date, including without limitation City Code provisions, ordinances (including, without limitation, all development fees), design standards, and other policies duly adopted by the City; provided, however, that as it relates to public infrastructure for any given phase of the Project, the applicable construction standards (including, without limitation, uniform building codes) shall be those that the City has duly adopted at the time of the filing of an application for a preliminary plat for that phase unless construction has not commenced within two years of approval of such preliminary plat in which case the construction standards shall be those that the City has duly adopted at the time that construction commences.

With respect to all structures/development on Avery Pointe Commercial, Block A, Lot 3 within the Planned Development Zoning District, Property Owner agrees any construction on the Property shall be required to comply with all City Regulations and with the masonry material requirements and all other requirements of the Anna City Code of Ordinances, Article 9.04 Zoning Ordinance, Section 9.04.034 Supplementary District Regulations, Subsection (e) Architectural Design Standards, which are incorporated herein as if set forth in full for all purposes, and with the following standards (in the event of any conflict, the following listed standards shall govern).

<u>Self-Storage, Mini-Warehouse Buildings</u>

A. Each building façade facing the right of way may not exceed a length of 100 feet without a break in the façade of a minimum depth of 2 feet for a minimum length of 10 feet.

B. A minimum of 2 materials are required on each façade facing the right of way.

C. The exterior walls (excluding doors, door frames, windows, and window frames) shall use only stone, brick, and/or split face concrete masonry units in the construction of the exterior facade that are visible to the public. The use of other high-quality materials for building trim, architectural decoration, and other design elements shall not be precluded; however, they are subject to approval by the zoning administrator and should contribute to the overall design concept

D. At least 60% of exterior façades not visible to the public (excluding doors, door frames, windows, and window frames) are required to be stone, brick, and/or split face concrete masonry units.

E. Where the function of an individual business, or the recognized identity of a brand dictates a specific style, image, or building material associated with that company, the masonry provision may be modified; however, the development shall maintain harmony in terms of overall project design and appearance, and such design shall be subject to approval by the city council after recommendation from the planning and zoning commission.

SECTION 3. NOTICES.

Any and all notices required to be given by either of the parties hereto must be in writing and will be deemed delivered upon personal service, if hand-delivered, or when mailed in the United States mail, certified, return receipt requested, addressed as follows:

To City:
City Manager
City of Anna
111 North Powell Parkway
PO Box 776
Anna, Texas 75409
Attn: City Manager

To Property Owner:
Anna 455 Commercial, LP
10950 Research Road
Frisco, TX 75033
Attn: Craig Curry

SECTION 4. MODIFICATIONS OR TERMINATION.

This Agreement may only be modified and/or terminated as follows: (a) by mutual written agreement of Property Owner and City; and/or (b) unilaterally by City upon default of the

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Property Owner. Notwithstanding the foregoing or any other provision of this Agreement, this Agreement shall terminate and be null and void if the City does not approve the rezoning of the Property to allow self-storage, mini-warehouse by-right, as set forth in the existing zoning (Ordinance No. 179-2005 as modified by Ord. No. 226-2005, 709-2015, and 955-2022). The parties acknowledge and agree that the rezoning of the Property is a legislative act and that this Agreement does not bind the City Council to approve any proposed rezoning of the Property.

SECTION 5. CLOSING.

The Contract currently provides that the closing and funding of the sale of the Property shall occur on April 18, 2022, unless otherwise extended or amended by the parties to the Contract (the **"Closing"**). Notwithstanding anything to the contrary herein, upon Closing and funding of the sale of the Property, Developer or its successors or assigns (each, a "**Subsequent Property Owner**") shall fully assume all of Property Owner's rights and obligations under this Agreement, and Property Owner, its successors and assigns, shall be fully and completely released from this Agreement for all purposes, including, but not limited to, the provisions of Section 2, Section 6.B, and Section 8, without the necessity of additional notice from or action by any Party. Nothing in this Section 5 shall serve to release any subsequent owners of the Property from the terms, conditions and obligations in this Agreement.

If Closing does not occur and the Contract is terminated, the City agrees to reasonably cooperate with Property Owner to modify the terms and conditions of this Agreement to accommodate any subsequent purchaser(s) and/or alternative use(s) of the Property.

SECTION 6. DEFAULT.

If Property Owner, its heirs, successors or assigns or subsequent owners of the Property, including but not limited to a Subsequent Property Owner (each, a "**Defaulting Owner**"), fail to fully comply with all the terms and conditions included in this Agreement, City will have the following non-exclusive and cumulative remedies.

A. Withholding of utilities or withholding or revocation of permits and other approvals required for development and use of the portion of the Property that is the subject of the default (but no other portions of the Property) including without limitation building permits and certificates of occupancy.

B. Any Defaulting Owner, or its heirs, successors or assigns, or subsequent owners of the Property (collectively, the "**Defaulting Developer Parties**") shall be liable to pay to the City the sum of $2,000 for each failure to fully comply with the development standards set forth in Section 3 of this Agreement. The Defaulting Developer Parties shall be liable to pay the City said $2,000 sum per day for each day that such failure to comply occurs. The sums of money to be paid for such failure(s) is not to be

considered as a penalty, but shall be deemed, taken and treated as reasonable liquidated damages that accrue per day that such a failure shall exist or occur. The said amounts are fixed and agreed upon by the parties because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages the City in such event would sustain; and said amounts are agreed to be the amounts of damages which the City would sustain. In the event of a breach that is not timely cured as set forth below, the sum of liquidated damages shall be calculated to include each and every day of the occurrence of the breach beginning on the date that the City first provided written notice of such breach under this paragraph and the City shall not be required to provide any subsequent written notices as to subsequent dates or times during which such breach is repeated or continues to occur

C. The non-defaulting party will additionally have any and all remedies available to it at equity or in law.

Notwithstanding the foregoing, a Defaulting Owner shall not be liable for the remedies under this Section 5 unless there is a breach of any material term or condition of this Agreement and such breach remains uncured after forty-five (45) calendar days following receipt of written notice from the City provided in accordance with this Agreement describing said breach in reasonable detail (or, if the cure of the breach has diligently and continuously been undertaken but reasonably requires more than forty-five (45) calendar days to cure, then such additional amount of time as is reasonably necessary to effect the cure, as determined by both Parties mutually and in good faith but in no event shall such additional period exceed 120 days unless agreed to in writing by the parties to this Agreement).

SECTION 7. BINDING ON SUCCESSORS, AGREEMENT RUNS WITH THE LAND.

Except as otherwise provided for herein, this Agreement will be binding upon and inure to the benefit of the parties' respective successors, assigns and personal representatives. This Agreement will run with the land and be binding on all Subsequent Property Owners.

SECTION 8. INDEMNIFICATION AND HOLD HARMLESS.

THE PROPERTY OWNER, INCLUDING ITS SUCCESSORS AND ASSIGNS (THE "INDEMNIFYING PARTY"), HEREBY COVENANTS AND AGREES TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY THE CITY AND ITS OFFICIALS, OFFICERS, AGENTS, SERVANTS AND EMPLOYEES, FROM AND AGAINST ALL THIRD-PARTY CLAIMS, SUITS, JUDGMENTS, DAMAGES, AND DEMANDS AGAINST THE CITY, WHETHER REAL OR ASSERTED INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEY'S FEES, RELATED EXPENSES, EXPERT WITNESS FEES, CONSULTANT FEES, AND OTHER COSTS (TOGETHER, "CLAIMS"), ARISING OUT OF THE

NEGLIGENCE OR OTHER WRONGFUL CONDUCT OF THE INDEMNIFYING PARTY, INCLUDING THE NEGLIGENCE OR OTHER WRONGFUL CONDUCT OF ANY OF ITS EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, MATERIAL MEN, AND AGENTS, IN CONNECTION WITH THE DESIGN OR CONSTRUCTION OF ANY PUBLIC INFRASTRUCTURE, STRUCTURES, OR OTHER FACILITIES OR IMPROVEMENTS THAT ARE REQUIRED OR PERMITTED UNDER THIS AGREEMENT AND/OR CITY REGULATIONS AND/OR ANY APPLICABLE DEVELOPMENT STANDARDS AND/OR ANY OTHER GOVERNING REGULATIONS; AND IT IS EXPRESSLY UNDERSTOOD THAT SUCH CLAIMS SHALL, EXCEPT AS MODIFIED BELOW, INCLUDE CLAIMS EVEN IF CAUSED BY THE CITY'S OWN CONCURRENT NEGLIGENCE SUBJECT TO THE TERMS OF THIS SECTION. THE INDEMNIFYING PARTY SHALL NOT, HOWEVER, BE REQUIRED TO INDEMNIFY THE CITY AGAINST CLAIMS CAUSED BY THE CITY'S SOLE NEGLIGENCE. IF THE CITY INCURS CLAIMS THAT ARE CAUSED BY THE CONCURRENT NEGLIGENCE OF THE INDEMNIFYING PARTY AND THE CITY, THE INDEMNIFYING PARTY'S INDEMNITY OBLIGATION WILL BE LIMITED TO A FRACTION OF THE TOTAL CLAIMS EQUIVALENT TO THE INDEMNIFYING PARTY'S OWN PERCENTAGE OF RESPONSIBILITY. THE INDEMNIFYING PARTY FURTHER COVENANTS AND AGREES TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY, THE CITY AGAINST ANY AND ALL CLAIMS BY ANY PERSON CLAIMING AN OWNERSHIP INTEREST IN THE PROPERTY AS OF THE DATE HEREOF WHO HAS NOT SIGNED THIS AGREEMENT IF SUCH CLAIMS RELATE IN ANY MANNER OR ARISE IN CONNECTION WITH: (1) THE CITY'S RELIANCE UPON ANY OF THE INDEMNIFYING PARTIES' REPRESENTATIONS IN THIS AGREEMENT; (2) THIS AGREEMENT OR OWNERSHIP OF THE PROPERTY; OR (3) THE CITY'S APPROVAL OF ANY TYPE OF DEVELOPMENT APPLICATION OR SUBMISSION WITH RESPECT TO THE PROPERTY. At no time shall the City have any control over or charge of the design, construction or installation of any of the improvements to the Property or related work or undertakings, nor the means, methods, techniques, sequences or procedures utilized for the design, construction or installation related to same. This Agreement does not create a joint enterprise or venture between the City and any of the Indemnified Parties. This Section 7 will survive the termination of this Agreement.

SECTION 9. RECORDATION.

Property Owner at its sole cost will record this document, including all the Exhibits, on or after one (1) business day after Closing and funding of the Contract, and immediately provide a recorded copy to the City.

SECTION 10. ENTIRE AGREEMENT.

This Agreement is the entire agreement of the parties regarding the subject matter

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hereto.

SECTION 11. RECITALS AND EXHIBITS.

The recitals herein and exhibits attached hereto are hereby incorporated by reference.

SECTION 12. AUTHORITY.

Property Owner represents and warrants to the City that the Property Owner owns the Property that this Agreement is binding and enforceable on the Property.

SECTION 13. INVALID PROVISIONS.

If any provision of this Agreement is held not valid, such provision will be deemed to be excised there from and the invalidity thereof will not affect any of the other provisions contained herein.

SECTION 14. ESTOPPEL.

On or before 15 days after receipt of a written request from an owner of the Property that desires to transfer its interest in the Property or borrow money secured by a mortgage or deed of trust against the Property or a prospective transferee of an owner's interest or an existing or prospective mortgagee, the City will execute and deliver an estoppel certificate stating if, to the actual knowledge of the City executing the certificate, (i) the transferring or borrowing owner is in default under this Agreement after notice from the City executing the certificate and expiration of any applicable grace period; and (ii) this Agreement is in full force and effect and whether there are any amendments thereto.

SECTION 14. EFFECTIVE DATE.

This Agreement will be effective upon the Effective Date first stated herein.

[signature page follows]

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CITY OF ANNA

By: _____
Jim Proce, City Manager

IN WITNESS WHEREOF:
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned notary public, on the _____ day of March, 2022, appeared Jim Proce, known to me (or proved to me) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in his capacity as City Manager of the City of Anna, Texas.

_____
Notary Public, State of Texas

ANNA 455 COMMERCIAL, LP,
a Texas limited partnership

By: Anna 455 Commercial GP, LLC,
a Texas limited liability company,
General Partner

By: _____
Craig Curry, Manager

IN WITNESS WHEREOF:
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned notary public, on the ____ day of March, 2022, appeared Craig Curry, known to me (or proved to me) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me and verified under oath that he/she executed the same in his/her capacity as Manager of Anna 455 Commercial GP, LLC, a Texas limited liability company, General Partner of Anna 455 Commercial, LP, a Texas limited partnership.

_____
Notary Public, State of Texas

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EXHIBIT “1”
PROPERTY DESCRIPTION

WHEREAS Anna 455 Commercial, LP is the owner of a tract of land situated in the F. Duffau Survey, Abstract No. 288, City of Anna, Collin County, Texas, being a portion of Lot 1R, Block A, Avery Pointe Commercial Addition, an addition recorded in Cabinet 2021, Page 321 of the Plat Records, Collin County, Texas (PRCCT), with the subject tract being more particularly described as follows:

BEGINNING at the southwest corner of the subject tract, and also being in the east line of Ferguson Parkway, a 120 foot right-of-way;

THENCE along the east line of Ferguson Parkway, the following:

N 06°12'36" E, 261.51 feet;

THENCE around a tangent curve to the left having a central angle of 04°14'59", a radius of 1660.00 feet, a chord of N 04°05'07" E - 123.09 feet, an arc length of 123.12 feet;

N 01°57'38" E, 0.94 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southwest corner of Lot CA-67, Avery Pointe Phase 1, an addition recorded in Cabinet 2016, Page 454 PRCCT, and from which a 5/8" iron rod with plastic cap found for the northwest corner of the right-of-way dedication created by said Ferguson Parkway plat bears N 88°56'01" W, 60.01 feet;

THENCE S 88°56'01" E, along the south line of Lot CA-67, passing the southeast corner thereof and the upper southwest corner of Avery Pointe Phase 2, an addition recorded in Cabinet 2017, Page 535 PRCCT, and continuing along a south line thereof a total distance of 436.52 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE S 01°15'59" W, 384.32 feet along the lower west line of Avery Pointe Phase 2 to the southeast corner of the parent tract;

THENCE N 88°56'01" W, 276.58 feet to the POINT OF BEGINNING with the subject tract containing 172,555 square feet or 3.961 acres of land.

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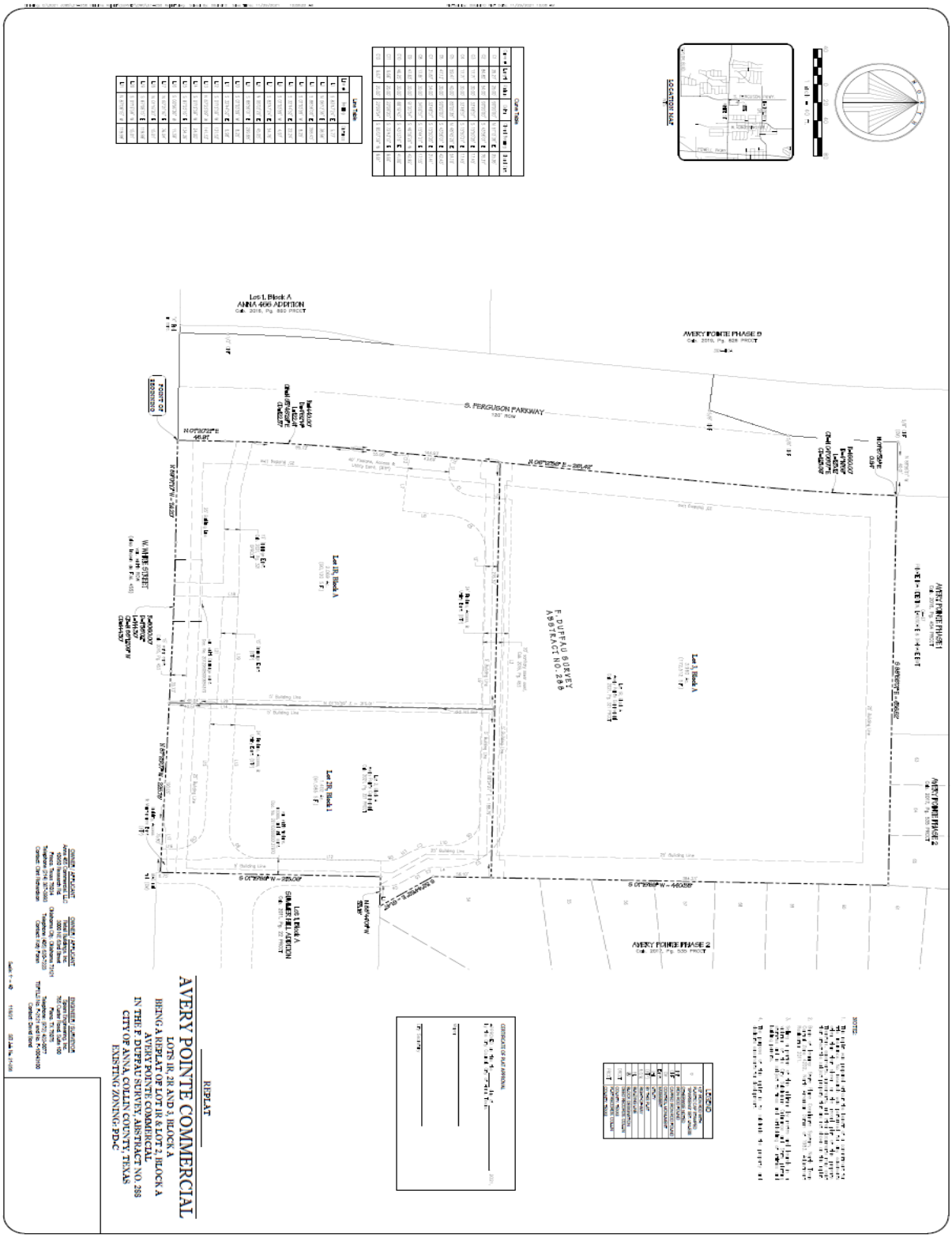
EXHIBIT “2”
DEPICTION OF THE PROPERTY



Item No. 6.k.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Marc Marchand

AGENDA ITEM:

Approve a Resolution entering into a Professional Services Agreement with New Line Skateparks and authorizing the City Manager to execute the contract. (Director of Neighborhood Services Marc Marchand)

SUMMARY:

The skatepark project will be located on the east side of Slayter Creek Park along the channel that runs between the park and the Anna Middle School stadium. The project budget is $1.5 million funded by the 2021 Bond Program. The consultant selected to design the skatepark is New Line Skateparks. New Line Skateparks is an internationally renowned full-service municipal skatepark design team. Out of Toronto, Ontario, they have over 20 years of concrete skatepark development experience. Though their skateparks have been built all over North America, local projects include the Northeast Community Skatepark in Frisco, Vandergriff Skatepark in Arlington, Roanoke Skatepark and McKinney Skatepark. They were selected based on the quality and success of their previous projects. This item was reviewed and and approved to move forward during the Joint Council/Park Advisory Board joint meeting work session on February 28, 2022.

FINANCIAL IMPACT:

The cost of the Agreement is $150,000. The construction budget for the skatepark is $1.25 million (plus $100,000 budget for a restroom building). Funding was approved in the 2021 Bond Program.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

This item supports the City of Anna Strategic Plan, specifically advancing: VISION Principal 1: Community of Families - 6. Youth and adult sports opportunities. Principal 3: Beautiful Community - 4. Well-designed, well-maintained City facilities, buildings, parks and trails with distinctive signage. Principal 4: Vibrant Community Destination - 4. Activities for evening, weekends and daytime. MISSION Principal 1: Exceptional City Services and Facilities - 4. Anticipating future service needs from the community. Principal 1: Exceptional City Services and Facilities - 6. Providing services and addressing issues in a proactive manner. Principal 5: Value to Neighbors' Lives - 4. Investing in future City facilieis and infrastructure that support growth. Principal 5: Value to Neighbors' Lives - 8. Having neighbors taking pride in saying: "I live in Anna" GOAL 3 Value to Neighbors - 3. Leisure activities for all within Anna. Value to Neighbors - 5. Recreational and leisure choices within Anna. Value to Neighbors - 6. Support for a healthy and active lifestyle. Value to Neighbors - 7. More reasons to stay living in Anna.

STAFF RECOMMENDATION:

Approve the professional services agreement with Newline Skateparks for the design of a skatepark at Slayter Creek Park.

ATTACHMENTS:

1. Resolution for Professional Services Skatepark
2. Professional Services Agreement - New Line Skateparks - Agreement and Exhibits Combined_mm

APPROVALS:

Marc Marchand, Director of Neighborhood Services	Created/Initiated - 3/3/2022
Terri Doby, Budget Manager	Approved - 3/3/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH NEW LINE SKATEPARKS FOR THE DESIGN OF A SKATEPARK AND ASSOCIATED LANDSCAPING AND IRRIGATION AT SLAYTER CREEK PARK.

WHEREAS, the City Council of the City of Anna, Texas, ("City Council") finds that the professional services agreement with New Line Skateparks is instrumental and necessary to the creation of a design for a skatepark; and

WHEREAS, the City Council considers a skatepark to be beneficial to the neighbors of Anna, Texas, meeting several goals and objectives set forth in the Strategic Plan adopted by City Council; and

WHEREAS, the City Council approves the proposed contract with New Line Skateparks, to include the following fee:

"The total amount for fiscal year 2022: $150,000"

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

Section 1. Recitals Incorporated.

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

Section 2. Approval and Authorization of Agreement.

The City Council hereby approves the extension attached hereto as Exhibit 1 to enter into a professional services agreement with New Line Skateparks and ratifies and approves the City Manager's execution of the same. The City Manager is hereby authorized to execute all documents and to take all other actions necessary to finalize and enforce the professional services agreement with New Line Skateparks.

PASSES AND APPROVED by the City Council of the City of Anna, Texas, on this 9th day of November 2021.

APPROVED: **ATTEST:**

_____ _____

Mayor Nate Pike City Secretary Carrie Land

NEWLINE SKATEPARKS

THE LEADER IN INTEGRATED SKATEPARK ENVIRONMENTS

RE: Exhibit A – Scope of Work - Slayter Creek Skatepark Design

ATTENTION: Dalan Walker – Parks Planning and Development Manager, City of Anna TX
DATE: October 22nd 2021

Dear Mr. Walker,

Thank you for choosing our team for modern skatepark development assistance. We believe this project will be an excellent investment in the youth of Anna and a welcome addition to the community.

New Line Skateparks FL, Inc is pleased to submit the following scope of work for skatepark design services. We understand that our consulting services will be focused on the development of a cast-in-place municipal concrete skatepark and immediate landscape interfaces. Final construction drawing package to be sealed by Texas PLA, Mark van der Zalm with relevant civil and structural engineering details sealed by our support team of State-licensed professionals. 2 Key phases will organize our work plan:

Phase 1: Site Analysis, Community Consultation and Concept Design

- Project initiation meeting to review prospective sites (North and East) and intended program for skatepark development
- Organization of site base data and creation of analysis drawings (geotechnical study and survey data provided by Others)
- Creation of scaled 2D colour PRELIMINARY concept drawings and order of magnitude cost estimate (preliminary 2D schematics to be created for both site locations within Slayter Park)
- Development of FINAL facility concept design. Deliverables include scaled, 3D facility renderings and budget analysis to confirm estimated facility construction budget.
- Provision of 3 interactive public design input/review meetings (includes online surveys)
- Coordination and progress review meetings with City
- Submission of Phase 1 Design and Budget Summary Report

Phase 2: Technical Design and Construction Drawings

- Production of all skatepark technical drawings – submissions and reviews with City at 50%, 75%, 100%
- Provision of final construction drawings and specifications
- Provision of final cost estimate
- Electrical engineering / design for sport lighting system
- Irrigation design for turf area surrounding skatepark structure

- Scope will be focused on concrete skatepark structure and immediate landscape interfaces only. Support amenities such as bathroom buildings not included
- ADA design review included

- All deliverables/submissions in digital format Assumptions:

- Site Geotechnical Study and Topographical Survey to be provided by Owner
- Includes civil and structural engineering review and seal of relevant project details
- Any easements required for the project will be obtained by the Owner
- Environmental review/permitting and support (restroom) building design not included in scope of work

We look forward to working with you to make this project a reality. Please don't hesitate to let us know if you have any questions or comments regarding our submission.

Sincerely,

Trevor Morgan
Vice President, New Line Skateparks FL, Inc

NEWLINE SKATEPARKS

THE LEADER IN INTEGRATED SKATEPARK ENVIRONMENTS

RE: Exhibit B – Project Completion Schedule - Slayter Creek Skatepark Design

ATTENTION: Dalan Walker – Parks Planning and Development Manager, City of Anna TX
DATE: October 22nd 2021

Phase 1: Site Analysis, Community Consultation and Concept Design

- Project initiation meeting to review prospective sites (North and East) and intended program for skatepark development
- Organization of site base data and creation of analysis drawings (geotechnical study and survey data provided by Others)
- Creation of scaled 2D colour PRELIMINARY concept drawings and order of magnitude cost estimate (preliminary 2D schematics to be created for both site locations within Slayter Park)
- Development of FINAL facility concept design. Deliverables include scaled, 3D facility renderings and budget analysis to confirm estimated facility construction budget.
- Provision of 3 interactive public design input/review meetings (includes online surveys)
- Coordination and progress review meetings with City
- Submission of Phase 1 Design and Budget Summary Report

Phase 1 Completion Schedule: Within 14 weeks from Project Initiation Meeting

Phase 2: Technical Design and Construction Drawings

- Production of all skatepark technical drawings – submissions and reviews with City at 50%, 75%, 100%
- Provision of final construction drawings and specifications
- Provision of final cost estimate
- Electrical engineering / design for sport lighting system
- Irrigation design for turf area surrounding skatepark structure
- Scope will be focused on concrete skatepark structure and immediate landscape interfaces only. Design of support amenities such as bathroom buildings not included ✈ ADA design review included

  - All deliverables/submissions in digital format

Phase 1 Completion Schedule: Within 10 weeks from Approval of Concept Design

Assumptions:

- Owner reviews and approvals / comments within 7 working days of each design deliverable submission
- Environmental review/permitting and support (restroom) building design not included in scope of work

RE: Exhibit C – Fee Schedule - Slayter Creek Skatepark Design

ATTENTION: Dalan Walker – Parks Planning and Development Manager, City of Anna TX
DATE: October 22nd 2021

Phase 1: Site Analysis, Community Consultation and Concept Design

- **Phase 1 Price: $57,500**
- Includes $800 direct cost allowance for large format colour printing

Phase 2: Technical Design and Construction Drawings

- **Phase 2 Price: $92,500**

Hourly Rates:

Principal in Charge (Kyle Dion): $120/hr
Principal / Project Coordination and Public Outreach (Trevor Morgan): $110/hr
Project Manager and Terrain Designer (Kanten Russell): $110/hr
Landscape Architect (Mark van der Zalm): $130/hr
Technical Designers (Chris Long / Ryan Crane): $90/hr
Civil Engineer: $160/hr
Structural Engineer: $160/hr

Assumptions:

- Site Geotechnical Study and Topographical Survey to be provided by Owner

- Includes civil and structural engineering review and seal of relevant project details
- Any easements required for the project will be obtained by the Owner
- Environmental review/permitting and support (restroom) building design not included in scope of work

Item No. 6.I.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Kevin Martin

AGENDA ITEM:
Approve an Ordinance revising the International Property Maintenance Code and Amending Chapter 4 of the Anna City Code of Ordinances. (Neighborhood Services Director Marc Marchand)

SUMMARY:
The IPMC amendments add additional provisions which are necessary to make it conform to the unique parts of the Texas law, such as notice provisions. Also, these provisions have been modified to better reflect other City policies and procedures. And finally, the revisions are based on the City's past experiences and revised legal recommendations.

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 3: Anna – Great Place to Live

Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. Working Draft - PMC Restoration Ord. C03029D20220104DO2

APPROVALS:

Kevin Martin, Code Compliance Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

CITY OF ANNA, TEXAS

ORDINANCE NO _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS ESTABLISHING A REVISED PROPERTY MAINTENANCE CODE AND AMENDING CHAPTER 4 (BUILDING REGULATIONS) OF THE ANNA CITY CODE OF ORDINANCES; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED $2,000; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") is a home-rule municipality with the full power of local self-government charged with protecting the health, safety, and welfare of its citizens; and

WHEREAS, in accordance with applicable Texas law, including, but not limited to, Texas Local Government Code, Chapter 54, Texas Local Government Code Chapter 214, and Texas Health & Safety Code Chapters 341 and 342, the City seeks to exercise its historical rights to define and prohibit nuisances within the limits of the municipality and within 5,000 feet outside its limits; to enforce its ordinances as necessary to prevent and summarily abate and remove nuisances; control and manage its public rights-of-way in a competitively neutral and nondiscriminatory basis; to define and enforce rules and penalties for violations of its ordinances, and police regulations governing fire safety, zoning, and/or public health and sanitation; and implement certain police power regulations in the use of those public rights-of-way; and

WHEREAS, the City is granted the authority under Texas law to enforce certain ordinances relating to public safety, fire safety, dangerously damaged or deteriorated buildings or improvements, conductions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, and the condition, use, or appearances of property in the City;

WHEREAS, in accordance with Texas Health & Safety Code § 341.081, a home-rule municipality may enact more stringent ordinances relating to matters covered by Chapter 341 of that code; and

WHEREAS, the City Council of the City of Anna, Texas ("City Council") finds there is a need to amend its current building regulations, property maintenance code, and related procedures to better protect its residents and their property from nuisance conditions, dangerous structures, sanitation hazards, and other matters detrimental to the public health, safety, and welfare, to define prohibited conditions and maintenance requirements and provide for quasi-judicial enforcement against owners of property, the occupants of property, or both as circumstances warrant; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the City and its citizens to establish more stringent standards than specified by state law; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the City and its citizens to amend The Anna City Code of Ordinances ("Anna Code") as set forth in this ordinance;

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

Section 1. Recitals Incorporated.

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

Section 2. Amending Chapter 4, Article 4.04, Sec. 4.04.001 of the Anna Code

2.01 This ordinance amends Chapter 4 (Building Regulations), Article 4.04 (Property Maintenance Code), Sec. 4.04.001 of the Anna Code to add the provisions below, to become and made part of the Anna Code, to be alternately known as the City's "property maintenance code" or "PMC" as set forth below, with added language depicted by underlined text (example) and deleted language depicted by strikethrough text (~~example~~), to read as follows:

ARTICLE 4.04 PROPERTY MAINTENANCE CODE

Sec. 4.04.001 Adopted

The 2018 edition of the International Property Maintenance Code ("IPMC", as amended at time of adoption) has been adopted as the baseline (or "floor") of regulation regarding the subject matter set forth therein, and has been amended in certain particulars by city ordinance. Provisions of the Anna Code, where they concern the same or similar subject matter as provisions of the IPMC, shall constitute local amendments to such model code and have controlling effect to the extent of any conflict. Copies of the ~~code~~IPMC, and certain prior amendments thereto, are on file in the office of the city secretary. The provisions of the 2018 IMPC (as amended) ~~and said code~~ is hereby adopted by reference and in combination with other regulations relating to property maintenance found in this article, is designated as the property maintenance code of the city, the same as though such code were copie~~s~~d at length herein.

(Ord. _____, adopted _____).

Section 3. Adding Sec. 4.04.002 and Sec. 4.04.003 to Article 4.04 of the Anna Code.

3.01 This ordinance amends Article 4 (Building Regulations), Article 4.04 (Property Maintenance Code) of the Anna Code by adding the new provisions set forth below to become and made part of Anna Code:

ARTICLE 4.04 PROPERTY MAINTENANCE CODE

[. . .]

Sec. 4.04.002 Scope & Intent

(1) This article, together with any materials incorporated by reference, may be referenced by the abbreviation "PMC". The provisions of this PMC apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premise, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, safety of lives, safety from any hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement, and penalties.

(2) The PMC shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with most recent edition of the International Existing Building Code and/or International Property Maintenance Code which has been adopted by the City (as amended).

Sec. 4.04.003 Applicability

(a) Generally. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in this article. Where, in a specific case, different provisions of this PMC or an incorporated code specify different requirements for the same subject matter, the most restrictive provision shall govern.

(b) Maintenance. Equipment, systems, devices and safeguards required by this PMC or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from

or shut off from or discontinued for any structure, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this PMC are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent for property management shall be primarily responsible for the maintenance of buildings, structures and premises. Occupants may also be subject to citations or other enforcement action if violations of this PMC are not timely remedied.

(c) Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all international model codes adopted and amended by the City, including without limitation the International Electrical Code, International Energy Conservation Code, International Existing Building Code, International Fuel Gas Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code.

(d) Existing remedies. The provisions of the PMC shall not be construed to abolish or impair existing remedies available–at law or in equity–to the city or its officers or agents relating to the removal or demolition of any structure which is unsafe or unsanitary.

(e) Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this PMC shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(f) Historic buildings. The provisions of the PMC shall not be mandatory for existing buildings or structures designated as historic buildings, so long as such buildings or structures are judged by the code official to be safe and their condition remains in the public interest of health, safety and welfare. A person claiming exception from criminal enforcement of the PMC bears the burden of proof that the building or structure constitutes a historic building in the same manner as an affirmative defense. Unless otherwise required by state law, only the following shall qualify as historic buildings which may be granted waivers from mandatory compliance with the PMC:

(1) Those buildings and structures located in places or areas designated for their historical, cultural, or architectural importance under the National Historic Preservation Act;
(2) Buildings and structures certified as historic under an applicable city landmark ordinance and meeting the requirements of the Texas Historical Commission;

(3) Building located in areas designated as a historic district on the National Register of Historic Places;
(4) Buildings designated as a Recorded Texas Historic Landmark;
(5) Buildings designated as a State Archeological Landmark or State Antiquities Landmark;
(6) a building located in an area designated for development, restoration, or preservation in a main street city under a main street program.

(g) A historic building exemption under (f) above shall not be construed or applied to reduce the city's authority to regulate building products, materials, and methods

(h) Referenced codes and standards. The codes and standards incorporated into this PMC shall be those that are listed in, and considered part of, the requirements of this PMC to the prescribed extent of each such reference. Where differences occur between provisions of this PMC and the referenced and incorporated standards, the provisions of this PMC shall apply.

(i) Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this PMC, shall be determined by the code official in a manner consistent with advancing the interest of public health and safety.

Sec. 4.04.004 Department of property maintenance inspection

(a) Generally. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

(b) Appointment of code official. The code official shall be appointed by the city manager as an at-will employee or independent contractor.

(c) Deputies and other employees. Subject to the approval of the city manager, the code official shall have the authority to appoint deputy code officials, other related technical officers, inspectors and other employees.

(d) Liability. The code official, officer or employee charged with the enforcement of this PMC, while acting for the city in the lawful discharge of duties and under the provisions of this PMC, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to person or property as a result of an act required or permitted in the discharge of official duties.

(e) Defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and

under the provisions of this PMC shall be defended by the city attorney or the designee of the city attorney until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this PMC, and the code official or any subordinate, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith, subject to the statutory limits applicable to Texas municipalities.

Sec. 4.04.005 Fees

The fees for activities and services performed by the department in carrying out its responsibilities under this PMC shall be as indicated in the fee schedule in appendix A of this code.

Sec. 4.04.006 Powers and duties of code official

(a) Generally. The code official shall enforce the provisions of this PMC.

(b) Rulemaking authority. The code official shall have no rulemaking authority. However, with the approval of the city manager, the code official may make recommendations to the city council to amend this PMC in the interest of public health, safety and general welfare.

(c) Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved deputies. All reports of such inspections shall be in writing and be signed by the person who performed the inspection and by the code official if someone other than the code official performed the inspection. With the approval of the city manager, the code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

(d) Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused for any reason, the code official is authorized to pursue recourse as provided by law to gain entry, subject to the prior approval of the city manager and the city attorney.

(e) Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this PMC.

(f) Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this PMC.

(g) Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this PMC.

Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

(h) Coordination of inspections. Whenever in the enforcement of this PMC or another code or ordinance, the responsibility of more than one code official of the city is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official or other law enforcement officer having jurisdiction.

(i) Inspections during declared disaster. While a declaration of disaster by the governor of Texas, or a declaration of local disaster under Chapter 418, Government Code is in effect, a building inspection for compliance with municipal regulations or Chapter 214 of the Texas Local Government Code may be performed by any person authorized to conduct such inspections under Texas Local Government Code, Sec. 214.220 (as amended).

Sec. 4.04.007 Approval

(a) Modifications. Whenever there are undue burdens involved in carrying out the provisions of this PMC, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reasons make the strict letter of this PMC unduly burdensome and the modification is in compliance with the intent and purpose of this PMC and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(b) Alternative materials, methods and equipment. The provisions of this PMC are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this PMC, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this PMC, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this PMC in quality, strength, effectiveness, fire resistance, durability and safety.

(c) Required testing. Whenever there is insufficient evidence of compliance with the provisions of this PMC, or evidence that a material or method does not conform to the requirements of this PMC, or in order to substantiate claims for

alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the city.

(d) Test methods. Test methods shall be as specified in this PMC or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(e) Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

(f) Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. Equipment which was previously determined to be dangerous equipment under this code by the code official which is reused in any manner shall constitute a nuisance, and an offense in violation of this article, unless the city receives satisfactory documentation of the repair or reconditioning of the equipment at issue and the code official provides a written authorization for its reuse which unambiguously identifies the equipment authorized for reuse. Reuse of material refurbished from a dangerous condition may require an inspection from a qualified technician in the discretion of the city.

Sec. 4.04.008 Violations; specific penalties

(a) Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this PMC or to create, allow, or maintain a condition of property that is in violation of any of the provisions of this PMC.

(b) Notice of violation. The code official shall serve a notice of violation or order in accordance with the applicable notice provision of this PMC.

(c) Prosecution of violation; specific penalties. Failing to comply with a notice of violation or order issued under section 4.04.010 or section 4.04.054 is a class C misdemeanor, punishable by a fine not to exceed $1,000.00. Notwithstanding the foregoing, at the sole discretion of the municipal prosecutor, any such failure to comply or other violation of this PMC may be prosecuted as a class C misdemeanor punishable by a fine not to exceed $500.00, and if so prosecuted the failure to comply or violation shall be deemed a strict liability offense. A violation of section 4.04.053 is a class C misdemeanor punishable by a fine not to exceed $200.00. Subject to the municipal prosecutor's option to prosecute any violation as a class C misdemeanor strict liability violation punishable by a fine not to exceed $500.00, any violation of this PMC–other than failure to comply with a notice of violation or order issued under section 4.04.010 or 4.04.054 or a violation of section 4.04.053–is a class C misdemeanor punishable by a fine not

to exceed $2,000.00 or the maximum amount otherwise established by law. It is no defense to prosecution for any violation of this PMC that the city or its agents did not adhere to the notice and hearing procedures set forth in this PMC. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(d) Other remedies. If a notice of violation or order issued under this PMC is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this PMC or of the order or direction made pursuant thereto.

(e) Lien. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the applicable violation or structure is located and shall be a lien upon such real estate. To obtain a lien against the property, the mayor, municipal health authority, or municipal official designated by the mayor must file a statement of expenses with the county clerk. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk. The lien obtained by the city is security for the expenditures made and interest accruing at the rate of 10% on the amount due from the date of payment by the city. In order to obtain a release of lien from the city, the current property owner shall pay to the city the lien amount plus any accrued interest, all filing fees, and any expenses to be incurred by the city for preparing and filing the release of lien. The lien is inferior only to:

(1) Tax liens; and
(2) Liens for street improvements.

(f) Foreclosure. Subject to the approval by the city council, the city attorney may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements. The remedies provided by this section are in addition to all other remedies. The city may foreclose a lien on property under this subsection in a proceeding relating to the property brought under subchapter E, chapter 33, Tax Code.

(g) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Sec. 4.04.009 Notices, orders and abatement for violations that do not constitute dangerous structures, junked vehicles, or defective swimming pool enclosures

(a) Notice to person responsible. Except in cases where the code official determines that a violation of this PMC arises under section 4.04.010 (dangerous structures), 4.04.053 (junked vehicles) or 4.04.054 (swimming pool enclosures), a code official that determines that there has been a violation of this PMC or has grounds to believe that a violation has occurred, shall give notice–in the manner prescribed in subsections (b) and (c) of this section–to the property owner or person responsible for the violation and other persons, if any, as specified in this PMC. In cases involving dangerous structures, the notice shall be served and be in the form prescribed by the provisions of section 4.04.010 or in any other manner authorized by state law.

(b) Form. The notice prescribed in subsection (a) of this section shall be in accordance with all of the following:

(1) Be in writing;
(2) Include a description of the real estate sufficient for identification;
(3) Include a statement of the violation or violations and why the notice is being issued;
(4) Include a directive that if the violation(s) is not corrected within 10 days, the city may enter the property to abate or otherwise correct the violation;
(5) Include a statement of the city's right to file a lien in accordance with section 4.04.009(e);
(6) Include a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

(c) Method of service. Such notice shall be deemed to be properly served if a copy thereof is given:

(1) Personally to the owner in writing;

(2) By regular mail to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or

(3) If personal service cannot be obtained:

(A) By publication at least once in a newspaper of general circulation in the city;

(B) By posting the notice on or near the front door of each building on the property to which the violation relates; or
(C) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(d) Undelivered notice. If the code official mails a notice to a property owner in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered to have been delivered.

(e) Penalties. Unless otherwise made compulsory by state law, penalties for noncompliance with orders and notices shall be as set forth in section 4.04.009.

(f) Abatement by city. If the owner of property in the city does not comply with this PMC by abating the violation within 10 days of notice of a violation, the city may do the work or make the improvements required and/or pay for the work done or improvements made, and in either event may charge the expenses to the owner of the property.

(1) In the event the violation is abated by the city, an administrative cost in the amount set forth in section A4.016 of the fee schedule in appendix A of this code shall be added to total cost of abatement.
(2) Where city employees are required to abate a violation (except for abating weeds and tall grass violations), the city's actual costs shall include the administrative cost, plus the charges set forth in section A4.016 of the fee schedule.
(3) Where city employees are required to abate weeds and tall grass violations, the city's actual cost shall include the administrative cost, plus the charges set forth in section A4.016 of the fee schedule.

(g) Subsequent violations within one year. If another violation covered by a notice under this section occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by in this section and assess its expenses in accordance with this PMC.

Sec. 4.04.010 Dangerous structures

(a) Generally. When a structure is found to be a dangerous structure by the code official, the structure may be addressed pursuant to the provisions of this section 4.04.010, providing for notice and a public hearing.

(b) Reference to state law. This section is adopted pursuant to chapter 54, subchapter C, of the Texas Local Government Code, and for enforcement of ordinances adopted under chapter 214, Texas Local Government Code.

(c) Definitions.

(1) Dangerous structure means a structure that is in an unsafe condition that could injure, hurt, or damage individuals or property and that:

(A) Regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;

(B) Is boarded up, fenced, or otherwise secured in any manner if the structure constitutes a danger to the public even though secured from entry, or if the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure; or

(C) Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare, and which:

i. Contains one or more interior walls or other vertical structural members that list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

ii. Exclusive of the foundation, shows 33% or more damage/deterioration to the supporting member(s) or 50% or more damage/deterioration to the nonsupporting enclosure(s) or to outside walls or coverings;

iii. Has one or more improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

iv. Has been damaged by fire, wind, or other causes so as to have become dangerous to persons or property;

v. Has become or is so dilapidated, decayed, unsafe, or unsanitary, or which utterly fails to provide amenities essential to decent living so that they are unfit for human habitation, or are likely to cause sickness, disease, or injury to the health or welfare of those living therein;

vi. Has parts thereof which are attached in a manner that they have or could fall and injure persons or property;

vii. Has a foundation that is not so free of holes, cracks, buckling, crumbling, and defects as to adequately support the structure;

viii. Does not have a floor, exterior wall and roof that is so free of holes, cracks and loose, rotten, warped or protruding boards necessary to reasonably protect the occupants of the structure from weather elements and from danger of collapse;

ix. Does not have interior walls and ceilings that are so free of holes, cracks, loose plaster, loose and baggy wallpaper, defective materials and structural deterioration as to

reasonably serve their purpose and as to protect the occupants of the structure from danger of collapse and of fire; or

x. Exists in violation of any provision of any applicable building code(s) of the city, any provision of the city's fire code, or other ordinances of the city as such provisions relate to minimum standards for buildings or structures.

(D) Regardless of its structural condition, is an incomplete building, or part of a building (e.g., foundation/framing), or flatwork construction site (forms and/or rebar) where there is no currently valid city-issued building permit relating to the construction, renovation, modification, or demolition of the structure, or said incomplete construction site is not sufficiently monitored or secured against unauthorized access.

(2) Occupant means any individual living or sleeping in a residential building or residential structure or having a right to possession, use, or occupancy of any premises, including persons with a contractual right to enter and use a structure or building for storage purposes. However, this definition shall not be satisfied solely through a contract for storage or transport of personal or commercial property with the owner of a parcel of real property which does not provide any rights of control over the premises (i.e., storage facilities, commercial parking facilities, and similar bailments).

(d) Declaration of nuisance. All structures that are found to be dangerous structures, after notice and hearing as provided for under the provisions of this section are hereby declared to be public nuisances and shall be secured, repaired, vacated, or demolished as provided in this section.

(e) Designation of official. The code official or that person's designee shall– with or without the assistance of other city personnel, officials, or consultants– present all cases at hearings presided over by the commission.

(f) Building and standards commission established; procedures. A building and standards commission ("commission") is hereby established, which shall be constituted by the same members appointed by the city council to serve as the city's board of adjustment. The purpose of the commission is to hear and determine cases under this section 4.04.010. A majority of the regular members of the commission must be present for any hearing. Vacancies shall be filled in the same manner that vacancies are filled on the board of adjustment and the regular membership of the commission and the regular membership of the board of adjustment shall be the same. A majority of the entire regular commission members shall adopt, as necessary, all rules for hearings and other commission matters in accordance with this section. The city council shall have the authority to review and modify such rules at its discretion. All meetings and hearings conducted by the commission shall be open to the public and minutes shall be

kept of all such meetings and hearings, recording the vote of each member. Said minutes shall be filed immediately in the offices of the city as public records. A majority vote of the commission members voting on a matter is necessary to take any action.

(g) Building and standards commission functions. After the public hearing required under this section, the commission may do any or all of the following:

(1) Declare a structure to be a dangerous structure;
(2) Order the repair, within a fixed period as set forth in this section, of a structure it determines to be a dangerous structure or a structure it determines to be in violation of applicable health and safety ordinances, code provisions, or other regulations adopted by the city;
(3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a dangerous structure, and order action to be taken as necessary to remedy, alleviate, or remove any dangerous structure found to exist;
(4) Issue orders or directives to any peace officer of the state, including a sheriff, or constable, or the chief of police of the city, to enforce and carry out the lawful orders or directives of the commission;
(5) Determine the amount and duration of the civil penalty the city may recover as provided for under the Texas Local Government Code, chapter 54, subchapter B, by filing a certified copy of the order with the district clerk for Collin County; or
(6) Take any other appropriate action as set forth under this section.

(h) Pre-hearing notice. Except as otherwise stated in this section 4.04.010, when a structure is found to be a dangerous structure by the code official, the code official must send or deliver written notice of a public hearing regarding the dangerous structure. The notice must be sent or delivered on or before the 10th day before the date of the hearing by personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owner(s) of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk. The notice must also be provided to the public and to all unknown owners on or before the 10th day before the date of the hearing, by:

(1) publishing the notice in a newspaper of general circulation in the city, and
(2) posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable. The notice must contain the name and address of the known owner(s) of the

structure, a legal description of the property, and the date, time, and place of the public hearing.

The notice must contain a general description of the condition(s) of the dangerous structure(s) that must be remedied and must state that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the applicable standards set forth in this PMC or referenced in this section and the time it will take to reasonably perform the work.

(i) Hearing and order. A hearing under this section 4.04.010 must be held by the commission. After the public hearing, if a structure is found by the commission to be a dangerous structure according to the standards set forth or referenced in this section, the commission may order that the structure be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided by this section. The commission also may order that the occupants, if any, be relocated within a reasonable time. In a public hearing to determine whether a structure complies with the standards set out in this section 4.04.010, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the applicable standards set forth in this PMC or referenced in this section and the time it will take to reasonably perform the work.

(j) Content of order; time limit. The commission's order shall be in writing and shall require the owner of the structure to within 30 days vacate, secure, repair, remove, or demolish the structure, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.

(k) Allowing more than 30 days to complete work. If the commission allows the owner more than 30 days to repair, remove, or demolish the structure, the commission shall establish specific time schedules for the commencement and performance of the work (said schedules must be incorporated into the order) and shall require the owner to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the commission.

(l) Allowing more than 90 days to complete work. The commission may not issue an order allowing the owner more than 90 days to repair, remove, or demolish the structure or fully perform all work required to comply with the order unless the owner:

(1) Submits a detailed plan and time schedule for the work at the hearing; and
(2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(m) Progress reports; bond. If the commission allows more than 90 days to complete any part of the work required to repair, remove, or demolish the

structure, the order shall require the owner to regularly submit progress reports to the commission to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner appear before the code official or the code official's designee to demonstrate compliance with the time schedules. If the owner owns property, including structures or improvements on property, within the municipal boundaries that exceeds $100,000.00 in total value, the commission may include in the order a requirement that the owner post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a structure under this section. In lieu of a bond, the commission may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guarantee from a third party approved by the commission. The bond must be posted, or the letter of credit or third-party guarantee provided, not later than the 30th day after the date the commission issues the order.

(n) Post-hearing notice. If the owner was not present at the public hearing, the commission shall send a copy of the order to the owner by certified mail, return receipt requested. If the owner or responsible party does not take the ordered action within the time allotted in the order, the commission shall make a diligent effort to discover each mortgagee and lienholder having an interest in the structure or in the property on which the structure is located. The commission satisfies the requirements to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the following records are searched:

(1) Real property records of the county in which the structure is located;
(2) Records of the appraisal district in which the structure is located;
(3) Records of the secretary of state;
(4) Assumed name records of the county in which the structure is located;
(5) Tax records of the municipality; and
(6) Utility records of the municipality.

(o) Content of post-hearing notice. Once steps have been taken to identify each mortgagee and lienholder as referenced in subsection (n) of this section, the code official shall obtain personal delivery on or shall send by certified mail, return receipt requested, to each identified mortgagee and lienholder a notice containing:

(1) An identification, which is not required to be a legal description, of the structure and the property on which it is located;
(2) A description of the violation of the city's standards that is present at the structure; and
(3) A statement that the city will vacate, secure, remove, or demolish the structure or relocate the occupants of the structure if the ordered action is not taken within a reasonable time.

(p) Alternative procedure. As an alternative to the procedure prescribed by subsections (n) and (o) of this section, the city may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing referenced in subsection (i) of this section and may give them a notice of and an opportunity to comment at the hearing. The notice must be sent certified mail, return receipt requested, and must state that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this the applicable standards set forth in this PMC or referenced in this section and the time it will take to reasonably perform the work. In addition, the city may file notice of the hearing in the official public records of real property in the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing including the time and place it is to be held. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the city operates under this subsection (p), the order issued by the commission as a result of the public hearing may specify a reasonable time as provided by this section 4.04.010 for the structure to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.

(q) Filing and publication of order. Regardless of which of the two procedures set forth above is exercised by the city, the commission shall within 10 days after the date that the order is issued:

(1) File a copy of the order in the office of the city secretary; and
(2) Publish in a newspaper of general circulation in the municipality in which the structure is located a notice containing:

(A) The street address or legal description of the property;
(B) The date the hearing was held;
(C) A brief statement indicating the contents of the order; and
(D) Instructions stating where a complete copy of the order may be obtained.

(r) Mailing or personal delivery of order. If the city did not proceed under the alternative procedure described in subsection (p) of this section, then, after the public hearing, the code official shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the structure and to any lienholder or mortgagee of the structure. The city shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the structure.

(s) Remedies in the event of noncompliance; assessment of expenses. If the structure is not vacated, secured, repaired, removed, or demolished or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, or demolish the structure or relocate the occupants at its own expense. This section does not limit the ability of the city to collect on a bond or other financial guaranty that may be required elsewhere in this PMC. If the city incurs expenses under this section 4.04.010, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the structure was located. Any expenses incurred by the city relating to the relocation of any personal property may be included in the lien. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the structure was located, the amount of expenses incurred by the city, and the balance due.

(t) Undelivered notice. When the code official or other city agent mails a notice in accordance with this section to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered delivered.

(u) Additional authority to secure substandard structure. The city may secure a structure that the code official determines:

(1) Violates the minimum standards of this PMC or other minimum standards referenced in this section 4.04.010; and
(2) Is unoccupied or is occupied only by persons who do not have a right of possession to the structure.

(v) Notice pertaining to securing structure. Before the 11th day after the date a structure is secured under subsection (u) of this section, the city shall give notice to the owner by:

(1) Personally serving the owner with written notice;
(2) Depositing the notice in the United States mail addressed to the owner at the owner’s post office address;
(3) Publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located if personal service cannot be obtained and the owner’s post office address is unknown; or

(4) Posting the notice on or near the front door of the structure if personal service cannot be obtained and the owner's post office address is unknown.

(w) Content of notice pertaining to securing structure. The notice referenced under subsection (v) of this section must contain:

(1) An identification, which is not required to be a legal description, of the structure and the property on which it is located;
(2) A description of the violation of the city standards that is present at the structure;
(3) A statement that the city will secure or has secured, as the case may be, the structure; and
(4) An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing of the structure.

(x) Hearing regarding securing of structure. After securing a substandard structure under subsection (u) of this section, the commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the structure if the owner files a written request for a hearing with the commission within 30 days after the date the city secures the structure. The commission shall conduct the hearing within 20 days after the date the request is filed.

(y) Expenses for securing of structure. The city has the same authority to assess expenses for securing a substandard structure under subsection (u) of this section as it has to assess expenses under subsection (s) of this section. A lien is created under this subsection (y) in the same manner that a lien is created under subsection (s) of this section and is subject to the same conditions as a lien created under that subsection.

(z) Seizure and sale of property to recover expenses. The city may foreclose a lien on property under this section 4.04.010:

(1) In a proceeding relating to the property brought under subchapter E, chapter 33, Tax Code (V.T.C.A., Tax Code section 33.91 et seq.); or
(2) In a judicial proceeding, if:

(A) A building or other structure on the property has been demolished;
(B) A lien for the cost of the demolition of the structure or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
(C) Ad valorem taxes are delinquent on all or part of the property.

(aa) Sale of salvage materials. When any structure has been ordered demolished or removed, the city or its agent(s) shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds

of such sale, after deducting the expenses of such demolition, removal and sale, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the owner, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(bb) Additional notice content: The city may include the following statement in any notice sent certified mail, return receipt requested, or which is delivered in person and which relates to the enforcement of this article: "According to the real property records of Collin County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not." If a suitable affidavit is received within the required period, it will be maintained in city files for no less than two years after the date of receipt, and a copy will be delivered to the chief appraiser of Collin County, Texas.

State law reference–Authority of municipality to regulate dangerous and substandard structures, V.T.C.A., Local Government Code, sec. 214.001 et seq.

Sec. 4.04.011 Dangerous equipment

(a) Generally. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(b) Procedure and remedies. Regarding equipment that is deemed dangerous, the provisions of section 4.04.010 shall apply as if set forth here in full, except that the word "equipment" shall take the place of the words "structure" and "building." Further, with respect to dangerous equipment, the words "abate" or "demolish" shall include any measure necessary to mitigate the hazard presented (including without limitation those which are destructive), and the term "remove" shall include the transfer of property to another location.

Sec. 4.04.012 Emergency measures

(a) Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building, structure, or equipment which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any

structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or the operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

(b) Temporary safeguards. Notwithstanding other provisions of this PMC, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the closing or securing of openings, to render such structure temporarily safe, the removal of dangerous materials or debris, or the abatement of some other unsafe condition, whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(c) Closing structures and adjacent streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(d) Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(e) Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the city. The city may file a lien in accordance with the provisions of section 4.04.008(e) or institute appropriate action against the owner of the premises where the unsafe structure or unsafe condition is or was located, or take any other action allowed in law or in equity, for the recovery of such costs.

(f) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter be afforded a hearing under the procedures described in section 4.04.052(h) of this PMC.

Sec. 4.04.013 Transfer of ownership

It shall be unlawful for the owner of any dwelling unit, structure or premises who has been served with a compliance order or upon whom a notice of violation has been served under any part of this PMC, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit, structure or premises to another until the provisions of the compliance order or notice of violation have been complied with,

or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Sec. 4.04.014 Interpretation; geographic scope

(a) Generally. Unless otherwise expressly stated, the following terms shall, for the purposes of this PMC, have the meanings shown in this section.

(b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(c) Terms defined in other codes. Where terms are not defined in this PMC and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

(d) Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(e) Parts of premises. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “structure,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this PMC, they shall be construed as though they were followed by the words “or any part thereof or any premises on which they are located.”

(f) Geographic scope. To the extent that this PMC prohibits nuisances, it applies within the city and within 5,000 feet outside the corporate limits. In this PMC, references to conditions or areas as being “in the city” or “within the city” or similarly described conditions or areas include all areas within the city’s jurisdiction, including both the corporate limits and within 5,000 feet outside the corporate limits of the city.

Sec. 4.04.015 Definitions

Abate means to eliminate by removal, repair, rehabilitation, or demolition.

Apartment building means any structure containing three or more dwelling units used as a home, residence or sleeping place by one person, or more than one

person maintaining a common household, to the exclusion of others, under a lease or rental contract or arrangement with one or more owners of the structure.

Apartment complex means an apartment building or more than one adjacent apartment buildings, which are under common ownership and management.

Approved means to approve by the code official.

Basement means that portion of a building which is partly or completely below grade.

Bathroom means a room containing plumbing fixtures including a bathtub or shower.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Code official means the official who is charged with the administration and enforcement of this PMC, or any duly authorized representative.

Condemn means to adjudge unfit for occupancy.

Dangerous structure means a structure that:

(1) Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
(2) Regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
(3) Is boarded up, fenced, or otherwise secured in any manner if the building constitutes a danger to the public even though secured from entry or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a lot or lots.

Exterior property means the open space on the premises and on adjoining property under the control of owners or persons of such premises.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, or trapping; or by use of any other approved pest elimination methods.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard means the building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable space means the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping unit means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Indoor occupiable work space means (1) any portion of a nonresidential structure which is used in the course of commercial or business activity; and (2) any portion of a residential structure used in the course of a commercial or business activity by persons who are not also residents of the structure.

Imminent danger means a condition which could cause serious or life-threatening injury or death at any time.

Infestation means the presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

Junked vehicle means a vehicle that is self-propelled and:

(1) Does not have lawfully attached to it:

(A) An unexpired license plate; or
(B) A valid motor vehicle registration sticker; and

(2) Is:

(A) Wrecked, dismantled or partially dismantled, or discarded; or
(B) Inoperable and has remained inoperable for more than:

i. 72 consecutive hours, if the vehicle is on public property; or
ii. 30 consecutive days, if the vehicle is on private property.

Labeled means devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let for occupancy or let means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

Nuisance means and includes:

(1) A condition or place that is a breeding place for flies;
(2) Spoiled or diseased meats intended for human consumption;
(3) A restaurant, food market, bakery, other place of business, or vehicle in which food is prepared, packed, stored, transported, sold, or served to the public and that is not constantly maintained in a sanitary condition;
(4) Sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons;
(5) A vehicle or container that is used to transport garbage, human excreta, or other organic material and that is defective and allows leakage or spilling of contents;
(6) A collection of water in which mosquitoes are breeding in the limits of a municipality or a collection of water that is a breeding area for Culex quinquefasciatus mosquitoes that can transmit diseases regardless of the collection's location other than a location or property where activities meeting the definition of section 11.002(12)(A), Texas Water Code, occur;
(7) A condition that may be proven to injuriously affect the public health and that may directly or indirectly result from the operations of a bone boiling or fat rendering plant, tallow or soap works, or other similar establishment;
(8) A place or condition harboring rats;
(9) The presence of ectoparasites, including bedbugs, lice, and mites, suspected to be disease carriers in a place in which sleeping accommodations are offered to the public;
(10) The maintenance of an open surface privy or an overflowing septic tank so that the contents may be accessible to flies;
(11) An object, place, or condition that is a possible and probable medium of disease transmission to or between humans; and
(12) Any condition of property or matter prohibited by this PMC.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building, or having right of possession of a space within a building for purposes of residence or property storage.

Openable area means part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Person means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Operator means an individual, corporation, partnership or any other group acting as a unit.

Owner means any person, agent, person, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Pool means a permanent swimming pool, permanent wading or reflection pool, or permanent hot tub or spa over 18 inches deep, located at ground level, above ground, below ground, or indoors.

Pool yard means an area that contains a pool.

Pool yard enclosure or enclosures means a fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround a pool.

Premises means a lot, plot or parcel of land, easement or public way, including any structures thereon.

Public accommodation means any premises, structure, building, room, or facility that is privately owned and operated for profit and that is generally accessible to the public regardless of whether payment is required for the public to gain access and includes, but is not limited to, the following:

(1) An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
(2) A restaurant, bar, or other establishment serving food or drink;

(3) A motion picture house, theater, concert hall, stadium, or other place of exhibition [or] entertainment;
(4) An auditorium, convention center, lecture hall, stadium, or other place of public gathering;
(5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
(6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, truck stop, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
(7) A terminal, depot, or other station used for specified public transportation;
(8) A museum, library, gallery, or other place of public display or collection;
(9) A park, zoo, amusement park, or other place of recreation;
(10) A nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;
(11) A day-care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
(12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Public way means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming house means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming unit means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish means combustible and noncombustible waste materials, if they are inoperable or not in operation, or discarded, abandoned, dumped or stored on any exterior property areas in an unsightly, unsafe or unsanitary manner, except garbage, and including but not limited to:

(1) The residue from the burning of wood, coal, coke and other combustible materials;
(2) Paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, lumber, dirt piles, construction debris, containers, and dust;
(3) Refrigerators, appliances (and similar equipment and other electrical or motorized appliances or equipment);
(4) Furniture; and
(5) Other similar materials.

Strict liability offense means an offense punishable by not more than $500.00 in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case.

Structure means that which is built or constructed or a portion thereof.

Tenant means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room means a room containing a water closet or urinal but not a bathtub or shower.

Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike means executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard means an open space on the same lot with a structure.

Sec. 4.04.016 Referenced standards

This section lists the standards that are referenced in various sections of this article. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in section 4.04.003(g).

NFPA 70	National Electrical Code - Administrative Provisions	4.04.014(c), 4.04.154(b)
IBC-03	International Building Code	4.04.015(c), 4.04.091(c), 4.04.192(c)
IEBC-03	International Existing Building Code	4.04.003, 4.04.004(c), 4.04.015(c)
IFC-03	International Fire Code	4.04.015(c), 4.04.192(a), 4.04.192(b), 4.04.194(a), 4.04.194(c)
IMC-03	International Mechanical Code	4.04.015(c)
IPC-03	International Plumbing Code	4.04.015(c), 4.04.125(a), 4.04.152(b), 4.04.152(c)
IZC-03	International Zoning Code	4.04.015(c)

Sec. 4.04.017 General penalty

Any violation of this article is punishable by a fine not to exceed $2,000.00 or the maximum amount allowed by law if that amount is less than $2,000.00, in which case the maximum amount is specified in section 4.04.008 of this article. Each day any such violation shall continue shall constitute a separate offense punishable hereunder.

Secs. 4.04.018–4.04.050 Reserved.

Division 2. General Requirements

Sec. 4.04.051 Applicability; responsibility for compliance

(a) Scope. The provisions of this division shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(b) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this PMC. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this division. Occupants of a structure, dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(c) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Sec. 4.04.052 Nuisances on exterior property areas

(a) Sanitation; abatement. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Nuisances specified in this division and other nuisances–that do not constitute dangerous structures, junked vehicles or defective swimming pool enclosures–are prohibited on all external property areas and must be abated by the property owner or may abated by the city in accordance with section 4.04.010. The city may recover expenses and create and enforce liens as provided for under section 4.04.009 when it abates such a nuisance condition.

(b) Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, with the exception of approved retention areas and reservoirs.

(c) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(d) Weeds and tall grass. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not

include cultivated flowers, gardens or agricultural crops. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation under section 4.04.010, they shall be subject to prosecution in accordance with section 4.04.009. Upon failure to comply with the notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property as provided under section 4.04.010.

(e) Dangerous weeds. The code official may cause to be abated, without notice, weeds that:

(1) Have grown higher than 48 inches; and
(2) Are an immediate danger to the health, life, or safety of any person.

State law reference–Additional authority to abate dangerous weeds without notice, V.T.C.A., Health and Safety Code, sec. 342.008.

(f) Notice of abatement of dangerous weeds. Not later than the 10th day after the date the city abates weeds under 4.04.052, the city shall give notice to the property owner in the manner required by section 4.04.010.

(g) Content of notice regarding abatement of dangerous weeds. The notice shall contain:

(1) An identification, which is not required to be a legal description, of the property;
(2) A description of the violations of the PMC that occurred on the property;
(3) A statement that the city abated the weeds; and
(4) An explanation of the property owner's right to request a hearing about the city's abatement of the weeds.

(h) Hearing. The city's board of adjustment or municipal court shall conduct a hearing on the abatement of dangerous weeds under this section or on any other abatement or corrective actions taken under section 4.04.012 if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city secretary a written request for a hearing. The hearing shall be conducted not later than the 20th day after the date a request for a hearing is filed. The code official shall determine whether to bring the hearing before the city's board of adjustment or municipal court such that the hearing may take place within said time period. The owner and code official or their respective legal representatives may testify or present any witnesses or written information or other relevant evidence relating to the city's abatement, corrective action, or assessment of expenses related to the alleged violation. The purpose of the hearing shall not include any determination of any related criminal proceeding.

(i) Expenses. The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 4.04.008. A lien created under this section is subject to the same conditions as a lien created under section 4.04.008.

(j) Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(k) Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(l) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(m) Defacement of property; abatement of graffiti. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface located on any private premises or public property by placing thereon any marking, carving, or other condition constituting graffiti. Such a violation shall be a class C misdemeanor punishable upon conviction by a fine in accordance with the general penalty provided in section 1.01.009 of this code.

(1) "Graffiti" means, but is not necessarily limited to, visual blight which can be observed from any public property, right-of-way, or from the private premises of another person, typically embodied by an unauthorized form of painting, scratching, writing or inscription (including without limitation initials, slogans, or drawings), regardless of the content or nature of the material that has been applied to any wall, building, fence, sign, or other structure or surface.

(2) It shall be the duty of each owner of a premises within the territorial limits of the city to keep and maintain their properties, including buildings or fences or other structures or other surfaces, free of graffiti and to promptly remove such graffiti from the premises. The failure to observe this duty shall be a class C misdemeanor punishable upon conviction by a fine in accordance with the general penalty provided in section 1.01.009 of this code. The owner is not required to remove graffiti from the owner's premises if the graffiti is located on transportation infrastructure and the removal of the graffiti would create a hazard for the person performing the removal.

(3) In the event that the owner of a premises affected by graffiti fails to remove the graffiti, the city may give notice to remove and offer to remove the graffiti

from the premises free of charge. Any offer to remove graffiti is at the city's sole election and in addition to and without waiver of any other remedies or enforcement procedures, including but not limited to the issuance of citations. If the owner does not contact the city to accept an offer made under this subsection (m)(3) on or before the 15th day following issuance of the offer to remove the graffiti, the owner shall be deemed to have refused the city's offer.

(4) The notice provided under subsection (m)(3) above shall be either (i) given personally to the owner in writing; (ii) by letter sent via certified mail, addressed to the owner at the owner's address as contained in the records of the Collin County Appraisal District; or, if neither (i) nor (ii) can be accomplished, then the notice shall be (iii) given by publication at least once in a newspaper of general circulation in the city, posted on or near the front door of each building on the premises to which the notice relates, or posted on a placard attached to a stake driven into the ground on the premises to which the notice relates. The notice provided to the owner must include all exceptions to the removal requirement provided in Texas Local Government Code section 250.006(h) (as amended).

(5) If the city makes an offer to remove graffiti under this subsection and that offer is refused, the city may require the owner to remove the graffiti on or before the 15th day after the date the owner receives notice under subsection (m)(3) above. If the owner then fails to remove the graffiti on or before the 15th day after the date of receipt of the notice sent under subsection (m)(3) above, the city may remove the graffiti and charge the expenses of removal to the owner in accordance with the city's fee schedule. The fee schedule shall be deemed to state a charge for graffiti removal by the city in the amount of the city's actual costs to remove the graffiti, including an administrative fee as set forth in section A4.017 of the fee schedule in appendix A of this code.

(6) The city may assess the expenses for removal of the graffiti against the premises on which the work is performed to remove the graffiti. If the city desires to make such an assessment, the city will file a statement of expenses with the county clerk. The statement of expenses shall contain (i) the name of the premises owner, if known; (ii) the legal description of the premises; and (iii) the amount of expenses incurred in the removal of the graffiti.

(7) If the city assesses expenses for graffiti removal and files a statement of expenses with the county clerk under this subsection, a lien may be attached to the premises where the removal was performed by the city.

(8) The city may take any actions relating to graffiti through its code enforcement department, its police department, or by a person designated

by the city manager. The provisions related to removal of graffiti herein are cumulative of other available actions and remedies, including the issuance of citations against the owner or operator of the premises upon which graffiti exists and/or the person(s) who placed the graffiti on the premises.

State law reference–Graffiti, V.T.C.A., Penal Code, sec. 28.08.

Sec. 4.04.053 Junked vehicles

(a) Authority to abate junked vehicle. Junked vehicles are declared to be nuisances under Texas law if visible at any time of the year from a public place or public right-of-way. In accordance with this section and other provisions of this PMC, the code official is authorized to abate and remove from private or public property or a public right-of-way a junked vehicle or part of a junked vehicle as a public nuisance. The municipal court may issue necessary orders to enforce the provisions of this section. Procedures for abatement and removal of a public nuisance under this section shall be administered only by full-time employees of the city, but the city may authorize other agents to remove a nuisance.

(b) Reconstruction prohibited. Once removed, a junked vehicle may not be reconstructed or made operable.

(c) Notice to state department of transportation. Not later than the fifth day after a junk vehicle is removed, the code official shall provide notice to the state department of transportation identifying the vehicle or part of the vehicle.

(d) Right of entry. The code official has right of entry to inspect as set forth in section 4.04.006(d).

(e) Removal to another unlawful location. The relocation of a junked vehicle that is a public nuisance to another location in the city or within 5,000 feet of the city's boundaries after a proceeding for the abatement and removal of the junked vehicle has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(f) Notice of violation.

(1) A notice of violation must provide not less than 10 days' notice of the nature of the nuisance. The notice must be personally delivered or sent by certified mail, return receipt requested, to:

(A) The last known registered owner of the nuisance;
(B) Each lienholder of record of the nuisance; and
(C) The owner or occupant of:

i. The property on which the nuisance is located; or

ii. If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(2) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the junked vehicle or, if the owner is located, personally delivered. If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

(g) Content of notice. The notice must state that:

(1) The nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
(2) Any request for a hearing must be made before that 10-day period expires.

(h) Hearing. The city's board of adjustment or municipal court shall conduct hearings under the procedures adopted under this section.

(i) Time for hearing. If a hearing is requested by a person for whom notice is required under subsection (f) of this section, the hearing shall be held not earlier than the 11th day after the date of the service of notice.

(j) Purpose of hearing, burden of proof and presumption. The purpose of the hearing is so that it may be determined whether the vehicle constitutes a junked vehicle. The person appealing the determination of the code official and the code official, or their respective legal representatives, shall have an opportunity to be heard and to question witnesses. The person appealing the determination of the code official has the burden of proving that the vehicle is not a junked vehicle. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(k) Order to abate. At the conclusion of the hearing, if it is determined that the property in question is a junked vehicle, an order shall be issued requiring removal of the vehicle to a lawful location within 10 days of the day the order is issued.

(l) Content of order. The order must state that, if the owner does not remove the junked vehicle in accordance with the order, the city may cause the vehicle to be removed and any expenses incurred by the city will allow for a lien in the amount of those expenses against the real property on which the junked vehicle was located at the time of the violation. If the following information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:

(1) Description;
(2) Vehicle identification number (if available at the location of the nuisance);

(3) License plate number (if available at the location of the nuisance); and
(4) Current location of the vehicle.

(m) Junked vehicle disposal; state notification. A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county. No later than the 5th day after the date of removal of a junked vehicle, the code official shall provide notice of the vehicle or part of vehicle subject to removal to the state department of motor vehicles. A municipal disposal site may be established or operated if the city council determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may:

(1) Finally dispose of a junked vehicle or vehicle part; or
(2) Transfer it to another disposal site if the disposal is scrap or salvage only.

(n) Affirmative defenses; inapplicability of section. If proven by defendant in the manner of an affirmative defense, a vehicle or vehicle part shall not constitute a violation of this ordinance if:

(1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property;
(2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or
(3) That is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

(A) Maintained in an orderly manner;
(B) Not a health hazard; and
(C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

State law reference–Junked vehicles, V.T.C.A., Transportation Code, sec. 683.071 et seq.

Sec. 4.04.054 Swimming pools, spas and hot tubs

(a) Generally. Private swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair.

(b) Notice, hearing and enforcement. The city may repair, replace, secure, or otherwise remedy an enclosure or fence around a swimming pool that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare. The city may require the owner of the property on which the swimming pool or enclosure or fence is situated–after notice and hearing complying with the procedures set forth in

sections 4.04.010(h) through (p)–to repair, replace, secure, or otherwise remedy an enclosure or fence of a swimming pool that the city or an appropriate city official, agent, or employee determines violates the minimum standards adopted under this section.

(c) Other notice. If the enclosure or fence is on unoccupied property or is on property occupied only by persons who do not have a right of possession to the property, the city shall give notice to the owner–in accordance with the procedures set out in section 4.04.010(v) and (w)–of the city's action to repair, replace, secure, or otherwise remedy an enclosure or fence of a swimming pool.

(d) Expenses. If the city incurs expenses under this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the swimming pool or the enclosure or fence is situated. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded in the office of the county clerk in the county in which the property is situated. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the swimming pool or the enclosure or fence is situated, the amount of expenses incurred by the city, and the balance due. The lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.

(e) Entry. The code official, acting under the authority granted by this section, may enter any unoccupied premises at a reasonable time to inspect, investigate, or enforce the powers granted under this section or any ordinance adopted pursuant to this section. After providing a minimum of 24 hours' notice to the occupant, the code official, acting under the authority granted by this section, may enter any occupied premises to inspect, investigate, or enforce the powers granted under this section or any ordinance adopted pursuant to this section. If entry is refused or otherwise denied or obstructed, the code official must report the refusal or obstruction to the office of the city attorney before proceeding with enforcement.

(f) Enclosure requirements. Every private swimming pool, hot tub or spa must meet the following enclosure requirements:

(1) Height of the pool yard enclosure must be at least 48 inches as measured from the ground on the side away from the pool;

(2) Openings under the pool yard enclosure may not allow a sphere four inches in diameter to pass under the pool yard enclosure;

(3) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere four inches in diameter to pass through the enclosure;

(4) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1-3/4 inches in diameter to pass through the enclosure;

(5) The use of chain-link fencing materials is prohibited entirely for a new pool yard enclosure that is constructed after January 1, 1994;

(6) The use of diagonal fencing members that are lower than 49 inches above the ground is prohibited for a new pool yard enclosure that is constructed after January 1, 1994;

(7) Decorative designs or cutouts on or in the pool yard enclosure may not contain any openings greater than 1-3/4 inches in any direction;

(8) Indentations or protrusions in a solid pool yard enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool;

(9) Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the pool yard enclosure; and

(10) The wall of a building may be part of the pool yard enclosure only if the doors and windows in the wall comply with subsection (g) of this section. The owner of a multi-unit rental complex with a pool or a property owners' association that owns, controls, or maintains a pool is not required to:

(A) Build a pool yard enclosure at specified locations or distances from the pool other than distances for minimum walkways around the pool; or

(B) Conform secondary pool yard enclosures, located inside or outside the primary pool yard enclosure, to the requirements of this section.

(g) Doors. A door, sliding glass door, or French door may not open directly into a pool yard if the date of electrical service for initial construction of the building or pool is on or after January 1, 1994. A door, sliding glass door, or French door may open directly into a pool yard if the date of electrical service for initial construction of the building or pool is before January 1, 1994, and the pool yard enclosure complies with subsection (g)(1), (g)(2), or (g)(3) of this section, as applicable.

(1) If a door of a building, other than a sliding glass door or screen door, opens into the pool yard, the door must have:

(A) A latch that automatically engages when the door is closed;
(B) A spring-loaded door-hinge pin, automatic door closer, or similar device to cause the door to close automatically; and
(C) A keyless bolting device that is installed not less than 36 inches nor more than 48 inches above the interior floor.

(2) If French doors of a building open to the pool yard, one of the French doors must comply with subsection (g)(1)(A) of this section and the other door must have:

(A) A keyed deadbolt or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or
(B) A bolt with at least a 3/4-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a 3/4-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.

(3) If a sliding glass door of a building opens into the pool yard, the sliding glass door must have:

(A) A sliding door handle latch or sliding door security bar that is installed not more than 48 inches above the interior floor; and
(B) A sliding door pin lock that is installed not more than 48 inches above the interior floor.

(4) A door, sliding glass door, or French door that opens into a pool yard from an area of a building that is not used by residents and that has no access to an area outside the pool yard is not required to have a lock, latch, deadbolt, or keyless bolting device.

(5) A keyed deadbolt, keyless bolting device, sliding door pin lock, or sliding door security bar installed before September 1, 1993, may be installed not more than 54 inches from the floor.

(6) A keyed deadbolt or keyless deadbolt, installed in a dwelling on or after September 1, 1993, must have a bolt with a throw of not less than one inch.

(h) Windows and window screens. A wall of a building constructed before January 1, 1994, may not be used as part of a pool yard enclosure unless each window in the wall has a latch and unless each window screen on a window in the

wall is affixed by a window screen latch, screws, or similar means. This section does not require the installation of window screens. A wall of a building constructed on or after January 1, 1994, may not be used as part of a pool yard enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.

State law references–Swimming pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

Sec. 4.04.055 Exterior structure

(a) General standards. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(d) Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(e) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(f) Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

(g) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(h) Decorative features. All cornices, belt courses, corbels, terra-cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(i) Overhang extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(j) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(k) Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(l) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(m) Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

(n) Glazing. All glazing materials shall be maintained free from cracks and holes.

(o) Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(p) Insect screens.

(1) During the period from certificate of occupancy to demolition, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

(2) Exception: Screens shall not be required where other approved means are employed, such as air curtains or insect repellent fans.

(q) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 4.04.192(c).

(r) Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(s) Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(t) Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(u) Door locks. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

(v) Window locks. Operable windows located in whole or in part within six feet (1828 mm) above ground level or a walking surface below that provide access to

a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with window sash locking devices.

(w) Basement hatchway locks. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Sec. 4.04.056 Interior structure

(a) General standards. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(b) Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(c) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(d) Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(e) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(f) Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Sec. 4.04.057 Handrails and guardrails

(a) General standards. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high nor more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or

above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(b) Exception. Guards shall not be required where exempted by the adopted building code.

Sec. 4.04.058 Rubbish and garbage

(a) Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(b) Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(c) Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(d) Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned nor stored on premises without first removing the doors.

(e) Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(f) Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

(g) Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Sec. 4.04.059 Extermination

(a) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(b) Responsibility of owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(c) Structure with single tenant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(d) Structure with multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(e) Responsibility of occupant.

(1) The occupant of any structure shall be responsible for the continued rodent- and pest-free condition of the structure.

(2) Exception: For non-residential structures, residential structures without occupants, or where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Secs. 4.04.060–4.04.090 Reserved.

Division 3. Light, Ventilation and Occupancy Limitations

Sec. 4.04.091 Generally

(a) Scope. The provisions of this division shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(b) Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.

(c) Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

Sec. 4.04.092 Light

(a) Habitable spaces.

(1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and obstructions to ingress and egress are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(2) Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor [area] being served.

(b) Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

(c) Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Sec. 4.04.093 Ventilation

(a) Habitable spaces.

(1) Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum window area required in section 4.04.092(a).

(2) Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m^2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(b) Bathrooms and toilet rooms.

(1) Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (a) of this section, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall not be recirculated.

(2) Exception: Where specifically approved in writing by the code official.

(c) Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dust or mist is generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(d) Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Sec. 4.04.094 Occupancy limitations

(a) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(b) Minimum room widths. A habitable room, other than a kitchen, shall not be less than seven feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(c) Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2134 mm). Exceptions are as follows:

(1) In one- and two-family dwellings, beams or girders spaced not less than four feet (1219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2033 mm) with not less than six feet four inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2134 mm) over not less than one-third of the required

minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1524 mm) or more shall be included.

(d) Bedroom requirements. Every bedroom shall comply with the requirements of subsections (e) through (i) of this section.

(e) Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m^2) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m^2) of floor area for each occupant thereof.

(f) Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Units that contain fewer than two bedrooms are exempt from this provision.

(g) Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(h) Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(i) Other requirements. Bedrooms shall comply with the applicable provisions of this PMC including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this article, the plumbing facilities and water-heating facilities requirements of division 4 of this article, the heating facilities and electrical receptacle requirements of division 5 of this article, and the smoke detector and emergency escape requirements of division 6 of this article.

(j) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of table 4.04.094.

TABLE 4.04.094. MINIMUM AREA REQUIREMENTS

	Minimum Area in Square Feet		
Space	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living room[a, b]	No requirements	120	150
Dining room[a, b]	No requirements	80	100
Bedrooms	Shall comply with section 4.04.094(d) [(e)]		

For SI: 1 square foot = 0.093 m^2

[a.] See section 4.04.094(l) for combined living room/dining room spaces.

[b.] See section 4.04.094(k) for limitations on determining the minimum occupancy area for sleeping purposes.

(k) Sleeping area. The minimum occupancy area required by table 4.04.094 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsections (d), (e) and (k) of this section.

(l) Combined spaces. Combined living room and dining room spaces shall comply with the requirements of table 4.04.094 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(m) Efficiency units. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by subsections (2) and (3).

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this PMC shall be provided.

(3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(4) The maximum number of occupants shall be three.

(n) Food preparation facilities. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Secs. 4.04.095–4.04.120 Reserved.

Division 4. Plumbing Facilities and Fixture Requirements

Sec. 4.04.121 Generally

(a) Scope. The provisions of this division shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(b) Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this division.

Sec. 4.04.122 Required facilities

(a) Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(b) Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(c) Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

(d) Employee facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(e) Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Sec. 4.04.123 Toilet rooms

(a) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms located on or in a public accommodation, apartment complex or apartment building.

(b) Location. Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(c) Location of employee toilet facilities.

(1) Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

(2) Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(d) Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(e) Design standards. All toilet rooms and bathrooms intended for multiple simultaneous users located in or on public accommodations, apartment complexes, or apartment buildings shall have installed to surround each toilet a toilet stall consisting of a combination of partitions and vertical supports (collectively referenced below as "toilet-stall components"). Each toilet stall shall be configured to provide adequate privacy. The material of any toilet-stall component shall be opaque such that it is not in any manner transparent or translucent and shall have a smooth, hard, nonabsorbent surface to permit such materials to be easily kept in a clean and sanitary condition.

(f) Maintenance. All toilet rooms and bathrooms located in or on public accommodations, apartment complexes, or apartment buildings shall be maintained in a sanitary condition and all materials used as toilet-stall components shall have no new or aftermarket perforations, holes, openings or damage that would permit viewing or the passage of matter into or out of a toilet stall through said materials.

(g) Violations. It shall be an offense for any owner, operator or manager of a premises to which this section 4.04.123 applies to fail to construct and maintain at all times a toilet room or bathroom in accordance with the standards and requirements set forth in this section. Each day that a condition exists that is a violation of this section is a separate offense.

(h) Conflicts with federal or state law. The standards and requirements set forth in this section are not intended to make any applicable federal or state law, standard, or restriction, including but not limited to the Americans with Disabilities Act, any less restrictive. To the extent that a standard or requirement in this section conflicts with an applicable federal or state law, the federal or state law shall take precedence to the extent of such conflict unless the standard or

restriction in this section fulfills such applicable federal and state law, and is more restrictive than same without interfering with the purpose of same.

Sec. 4.04.124 Plumbing systems and fixtures

(a) General standards. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(b) Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

(c) Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Sec. 4.04.125 Water system

(a) General standards. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

(b) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(c) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(d) Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room

normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Sec. 4.04.126 Sanitary drainage system

(a) General standards. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system, in compliance with this PMC, state law, and the city's adopted codes (as amended).

(b) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Sec. 4.04.127 Storm drainage

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Division 5. Mechanical and Electrical Requirements

Sec. 4.04.151 Generally

(a) Scope. The provisions of this division shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(b) Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with the requirement of this PMC and the city's adopted codes (as amended). A person shall not occupy as owner-occupant or permit another person to occupy any premises which do not comply with the requirements of this division.

Sec. 4.04.152 Heating facilities

(a) Facilities required. Heating facilities shall be provided in structures as required by this section.

(b) Residential occupancies.

(1) Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(2) Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(c) Heat supply.

(1) Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, or dormitory or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from certificate of occupancy to demolition to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Notwithstanding the foregoing, when the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the International Plumbing Code (as amended) of the version last adopted by the city.

(2) In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(d) Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during months of October through March to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. Exceptions to this rule are:

(1) Processing, storage and operation areas that require cooling or special temperature conditions;
(2) Areas in which persons are primarily engaged in vigorous physical activities.

(e) Room temperature measurement. The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

Sec. 4.04.153 Mechanical equipment

(a) Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(b) Removal of combustion products.

(1) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

(2) Exception: Fuel-burning equipment and appliances which are properly designed for unvented operation and labeled for such uses by the manufacturer.

(c) Clearance. All required clearances to combustible materials shall be maintained.

(d) Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(e) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(f) Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom shall not be installed unless labeled for such purpose and the installation is specifically approved.

Sec. 4.04.154 Electrical facilities

(a) Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 4.04.155.

(b) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(c) Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Sec. 4.04.155 Electrical equipment

(a) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(b) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(c) Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Sec. 4.04.156 Elevators, escalators and dumbwaiters

(a) General standards. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator.

(b) Elevators.

(1) In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

(2) Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 4.04.157 Duct systems

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Secs. 4.04.158–4.04.190 Reserved.

Division 6. Fire Safety Requirements

Sec. 4.04.191 Generally

(a) Scope. The provisions of this division shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(b) Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the codes adopted by the city. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this division.

Sec. 4.04.192 Means of egress

(a) General standards. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

(b) Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

(c) Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

(d) Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Sec. 4.04.193 Fire-resistance ratings

(a) Fire-resistance rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(b) Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

Sec. 4.04.194 Fire protection systems

(a) General standards. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

(b) Smoke alarms required. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load, at all of the following locations:

(1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(2) In each room used for sleeping purposes.

(3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(c) Installation of smoke alarms. Single- or multiple-station smoke alarms shall be installed in accordance with the International Fire Code.

(d) Power source for smoke alarms.

(1) In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

(2) Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(e) Interconnection of smoke alarms.

(1) Where more than one smoke alarm is required to be installed within an individual dwelling unit in Groups R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(2) Exceptions:

(A) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

(B) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

Section 4. Specific Amendments to 2018 International Property Maintenance Code Provisions

4.01 By its Ordinance 859-2020, the City Council previously adopted the 2018 IPMC, subject to amendments set forth in Exhibit A of said ordinance. The City Council hereby amends Ordinance 859-2020 by adopting the following additional modifications to the terms of the 2018 IPMC and incorporates them as part of the Anna Code, with added language depicted by underlined text (example) and deleted language depicted by strikethrough text (~~example~~), to read as follows:

CHAPTER 1

SCOPE AND ADMINISTRATION

[. . .]

PART 1 – SCOPE AND APPLICATION

[. . .]

SECTION 102
APPLICABILITY

Section 102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all other codes and standards applicable to the subject matter, including without limitation the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, and NFPA 70, as each has been respectively adopted and amended by the City of Anna. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the City of Anna Zoning and Subdivision Regulation Ordinances, as they currently exist or may be amended.

[. . .]

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.7.1 and 102.7.2 and application provisions of the Anna City Code of Ordinances including without limitation of Chapter 9 (Planning and Development Regulations)~~a~~, and the International Electrical Code, International Energy Conservation Code, International Existing Building Code, International Fuel Gas Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code ~~Building, Electrical, Mechanical, Plumbing, Fire~~, and all h~~H~~ealth Codes adopted by the City of Anna, as they currently exist or may be amended. Where differences occur between provisions of this code and the above-referenced codes and regulations, the most restrictive provision shall apply. To the extent of any conflict between this code and state law the more restrictive provision shall apply; provided, however, that state law shall govern to the extent this code conflicts with state law provisions governing mandatory procedures for abatement of substandard conditions or other violations of this code including definitions, notices, hearings, appeals, liens, and other procedures or enforcement matters and any such state law provisions are deemed to be incorporated herein and enforceable as if set forth in full.

[. . .]

SECTION 107
NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determinates that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 and as otherwise provided by the Anna Code to the person responsible for the violation as specified in this code. Notices for condemnation procedures, if any apply, shall comply with Section 108.3 and Texas law. ~~In t~~The notice shall include information regarding~~provided for~~ the city's ~~shall have the~~ right to ~~inform~~ the property owner or agent having charge that if he or she commits another violation of the same kind of nature that poses a danger to the public health and safety any time within one year from the original notice, the city may ~~institute the appropriate proceedings at law or to~~ correct or abate such violations without further notice at the owner's expense, and assess the expense against the property in accordance with Texas law.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following and include additional information set forth in the Anna Code:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of Service. Such notice shall be deemed to properly served if a copy thereof is: delivered personally, or sent by certified mail with return receipt requested ~~or first-class mail~~ addressed to the last known address of the record owner(s) of the property, ~~or sent by certified or first-class mail addressed to the property owner at the property owner's address~~ as recorded in the appraisal district records of the appraisal district in which the property is located, or sent by certified or first-class mail addressed to the person responsible for the violation. If the notice is returned as "refused" or "unclaimed,"~~showing the letter was not delivered,~~ the validity of the notice is not affected, and is considered as delivered, and a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice or a stake driven into the ground on the property to which the violation relates.

[. . .]

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

[. . .]

108.3 Notice. Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice of related proceedings before the building standards commission shall be posted on the front door of each improvement situated on the affected property or as close to the front door as practicable, ~~in a conspicuous place in or about the structure affected by such notice and served on~~also given to the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment, and all lienholders of record to the address ascertained from the deed of trust on file in the office of the county clerk, in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

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. Cross-references in other parts, articles or sections of the Anna Code which make reference to previous enactments carrying the same designation as any section amended by this ordinance shall be construed as referencing whichever currently effective provision best preserves the original intent and effect of the cross-reference. 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, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 6. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective immediately upon passage by majority vote of the City Council, or after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas, this ___ day of _____, 2022.

ATTESTED:	APPROVED:
_____	_____
City Secretary, Carrie Land	Mayor, Nate Pike

Item No. 7.a.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Planned Development Amendment, Avery Point Commercial, Block A, Lots 1R & 3 (Director of Development Services Ross Altobelli)

1) Conduct a Joint Public Hearing with the Planning and Zoning Commission regarding a request to amend Permitted Uses and General Conditions in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3.

2) Planning & Zoning Commission - Consider/Discuss/Action on a recommendation regarding the request to amend Permitted Uses and General Conditions in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3.

3) City Council - Consider/Discuss/Action on a recommendation from the Planning and Zoning Commission and Ordinance to amend Permitted Uses and General Conditions in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3.

4) Planning & Zoning Commission - Consider/Discuss/Action on a recommendation regarding the Avery Pointe Commercial, Block A, Lot 3, Concept Plan.

5) City Council - Consider/Discuss/Action on a recommendation from the Planning and Zoning Commission and Resolution regarding the Avery Pointe Commercial, Block A, Lot 3, Concept Plan.

6) Planning & Zoning Commission - Adjourn

SUMMARY:
<u>Zoning Request</u>

The city has received a zoning application to amend the zoning and development regulations in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 within Avery Pointe Commercial, Block A, Lots 1R & 3. The proposed amendments include REMOVING Hotels, Apartment Hotels, and Motels from the list of Permitted Uses and REMOVING the Conditional Use requirement for Mini-warehouse. Additionally, the zoning request includes ADDING development standards associated with the development of a mini-warehouse.

The proposed mini-warehouse development standards include:

- Reduced building height adjacent to residential homes - Two-story buildings must be setback 160 feet from the eastern property boundary.
- Reduced parking for self-storage, mini-warehouse - 1 space per 100 storage units plus 1 space per 1,000 sf GFA of office space.
- Hours of operation - 6:00 a.m. to 10:00 p.m.
- Prohibit outside storage
- Self-storage / mini-warehouse is limited to Avery Point Commercial, Block A, Lot 3

Concept Plan

The concept plan for Avery Point Commercial, Block A, Lot 3 is associated with the zoning case and is contingent upon approval of the zoning case. The purpose for the concept plan is to show the future self-storage, mini-warehouse development and related site improvements.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 1: Growing Anna Economy

Goal 2: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
N/A

ATTACHMENTS:
1. Ordinance - Avery Pointe Commercial (2022 self storage)
2. Exhibit 1 - (Ord.) Avery Point Commercial
3. Opposition Letter - Boeglin
4. ORD 179-2005 Zoning - Rudman 455 Avery Point
5. ORD 226-2005 Correcting Scrivener's Error Ord No. 179-2005
6. Ord 709-2015 Anna 455 PD
7. Ord 955-2022 Zoning Avery Pointe Commercial Blk A, Lot 2R
8. Resolution - CP Avery Pointe Commercial, Bl A, Lt 3
9. Exhibit A - Res. (CP) Avery Pointe Commercial, BL A, Lt 3

APPROVALS:

Ross Altobelli, Director of Development Services
Jim Proce, City Manager

Created/Initiated - 3/3/2022
Final Approval - 3/4/2022

CITY OF ANNA, TEXAS
(Avery Pointe Commercial, Block A, Lots 1R & 3; located at the northeast corner of S. Ferguson Parkway and W. White Street.)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the zoning in the City; and

WHEREAS, the City has received a request to amend the zoning and development regulations in Ordinance No. 179-2005 as modified by Ord. No. 226-2005, Ord. No. 709-2015, and Ord. No. 955-2022 from Anna 455 Commercial LLC on Avery Pointe Commercial, Block A, Lots 1R & 3 as shown in Exhibit 1 (the "Property") attached hereto and incorporated herein for all purposes as if set forth in full; and

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

(Deletions of certain Zoning Ordinance provisions that are not applicable are indicated below in ~~strikethrough~~ text).

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

Section 1. **Recitals Incorporated**

The above recitals are incorporated herein by reference for all purposes.

Section 2. **Zoning Ordinance Amended**

Exhibit C of Ordinance No. 179-2005 is hereby amended by changing as follows:

3.0 PLANNED DEVELOPMENT – COMMERCIA/RETAIL TRACT C

3.1 Commercial/Retail:

a. Permitted Uses: The permitted uses in Tract C will be the same as those permitted in the "C-2 General Commercial" zoning district. The following uses shall be permitted in all Commercial/Retail areas:

- ~~Hotels, Apartments Hotels, and Motels~~

- Miniwarehouses ~~– If approved by the Anna City Council as a Conditional Use per Section 6, Conditional Uses of the City of Anna Zoning Ordinance.~~

4.0 GENERAL CONDITIONS:

4.7 Parking Requirements: Unless otherwise defined herein, parking requirements shall comply with the ordinances of the City of Anna as they presently exist or as they may be amended.

a. Self-storage/mini-warehouse - 1 space per 100 storage units plus 1 space per 1,000 square feet of gross floor area of office space.

4.9 General Compliance: Except as amended by this Ordinance, development of property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of the City of Anna as they exist or may be amended

c. A self-storage, miniwarehouse development shall meet the following additional development standards

i. Hours of operation 6:00 a.m. to 10:00 p.m.

ii. Outside storage is prohibited.

iii. Two-story building(s) must be setback a minimum of 160 feet from the eastern property boundary.

Section 3. **Official Zoning Map**

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

Section 4. **Savings, Repealing and Severability Clauses**

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any

of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict. Notwithstanding any provision of this ordinance or the Anna Code, it is intended that this ordinance fully comply with Chapter 3000 of the Texas Government Code ("Chapter 3000") and this ordinance shall and the City Code shall be interpreted in a manner to comply with Chapter 3000. For the purposes of this ordinance, any provision of the City Code that does not comply with Chapter 3000 shall be deemed to have been excluded and not a part of this ordinance.

Section 5. **Penalty**

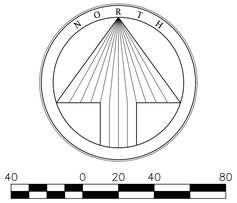
Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed $2,000 for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

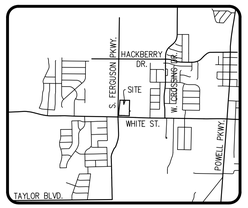
Section 6. **Publication of the Caption and Effective Date**

This ordinance shall be effective upon its passage by the City Council, approval by the Mayor, and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

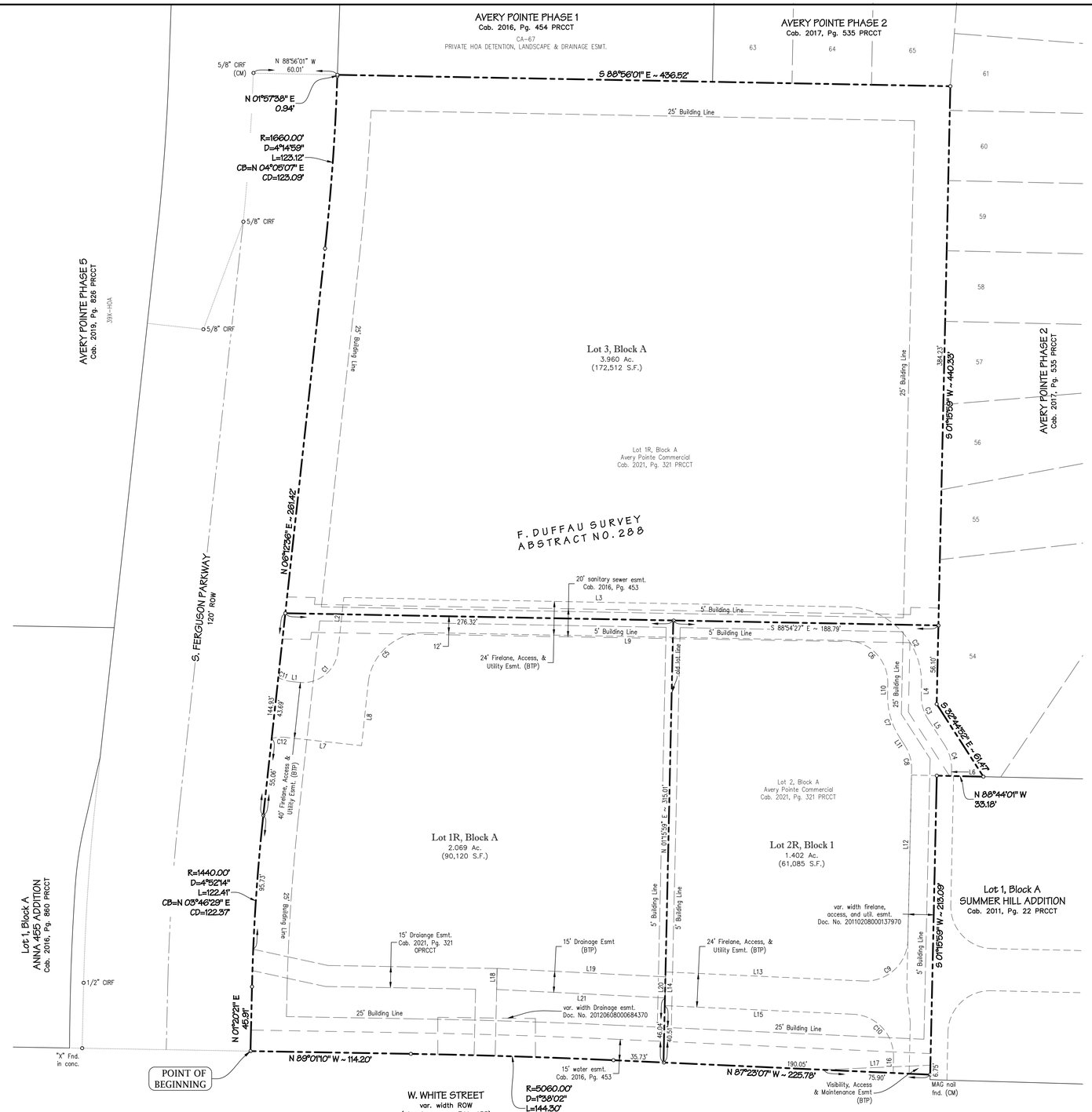
PASSED by the City Council of the City of Anna, Texas this 8th day of March 2022.

ATTESTED:	APPROVED:
_____	_____
Carrie L. Land, City Secretary	Nate Pike, Mayor





LOCATION MAP
NTS



NOTES:

1. This replat was prepared without the benefit of a commitment for title insurance. No research was performed for any easements other than that shown on the record plat of this property. Therefore, easements, agreements, and other documents may exist that affect the subject property that are not shown on this replat.
2. Basis of bearing: State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.
3. 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 permits.
4. The purpose of this replat is to subdivide the property and dedicate easements for development.

LEGEND	
○	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPIARSENG" SET, UNLESS OTHERWISE NOTED
IRF	IRON ROD FOUND
CIRF	CAPPED IRON ROD FOUND
CM	CONTROL MONUMENT
Esmt.	EASEMENT
Util.	UTILITY
(BTP)	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
BL	BUILDING LINE
Ⓐ	BLOCK DESIGNATION
DRCCT	DEED RECORDS, COLLIN COUNTY, TEXAS
PRCCT	PLAT RECORDS, COLLIN COUNTY, TEXAS

CERTIFICATE OF PLAT APPROVAL

APPROVED on this the _____ day of _____, 2021, by the City Council, City of Anna, Texas.

_____
Mayor

_____
City Secretary

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Dist.
C1	39.27'	25.00'	90°00'00"	N 51°12'36" E	35.36'
C2	84.82'	54.00'	90°00'00"	S 43°56'01" E	76.37'
C3	17.71'	30.00'	33°48'51"	S 15°50'26" E	17.45'
C4	17.71'	30.00'	33°48'51"	S 15°50'27" E	17.45'
C5	59.41'	40.00'	85°05'38"	N 48°45'26" E	54.10'
C6	47.12'	30.00'	90°00'00"	S 43°56'01" E	42.43'
C7	31.87'	54.00'	33°48'51"	S 15°50'26" E	31.41'
C8	17.81'	30.00'	34°00'51"	S 15°44'27" E	17.55'
C9	47.83'	30.00'	91°20'54"	S 46°56'26" W	42.92'
C10	46.25'	30.00'	88°19'43"	S 43°13'16" E	41.80'
C11	9.66'	25.00'	22°08'25"	S 72°43'12" E	9.60'
C12	9.67'	25.00'	22°09'54"	S 85°07'39" W	9.61'

Line Table		
Line #	Bearing	Distance
L1	S 83°47'24" E	5.77'
L2	N 06°12'36" E	38.56'
L3	S 88°56'00" E	358.43'
L4	S 01°03'59" W	8.25'
L5	S 32°44'52" E	22.24'
L6	S 01°03'59" W	4.97'
L7	S 83°47'24" E	54.76'
L8	N 06°03'20" E	45.05'
L9	S 88°56'01" E	299.88'
L10	S 01°03'59" W	8.25'
L11	S 32°44'52" E	6.98'
L12	S 01°15'59" W	121.52'
L13	N 87°23'09" W	141.33'
L14	S 01°15'59" W	24.00'
L15	S 87°23'16" E	134.39'
L16	S 00°56'36" W	11.39'
L17	N 87°31'16" E	76.04'
L18	N 01°16'30" E	15.01'
L19	S 87°08'15" E	119.98'
L20	S 01°15'59" W	15.01'
L21	N 87°08'15" W	119.99'

EXHIBIT 1

REPLAT

AVERY POINTE COMMERCIAL

LOTS 1R, 2R AND 3, BLOCK A
BEING A REPLAT OF LOT 1R & LOT 2, BLOCK A
AVERY POINTE COMMERCIAL
IN THE F. DUFFAU SURVEY, ABSTRACT NO. 288
CITY OF ANNA, COLLIN COUNTY, TEXAS
EXISTING ZONING: PD-C

OWNER / APPLICANT
Anna 455 Commercial, LLC
10950 Research Rd.
Frisco, Texas 75034
Telephone (214) 387-3993
Contact: Clint Richardson

OWNER / APPLICANT
Retail Buildings, Inc.
3000 NE 63rd Street
Oklahoma City, Oklahoma 73121
Telephone (405) 620-7223
Contact: Koty Foran

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPELS No. F-2121 and No. F-10043100
Contact: David Bond

Scale: 1" = 40' 11/8/21 SEI Job No. 21-256

Drawing: G:\2021 JOBS\21-256 Breuma Replat\SURVEY\DWG\21-256 Replat.dwg Saved By: DBond10 Save Time: 11/29/2021 10:08:22 AM Plotted by: DBond10 Plot Date: 11/29/2021 10:08 AM

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS Anna 455 Commercial, LP and Retail Buildings, Inc. are the owners of a tract of land situated in the F. Duffau Survey, Abstract No. 288, City of Anna, Collin County, Texas, being all of Lot 1R and Lot 2, Block A of Avery Pointe Commercial, an addition recorded in Cabinet 2021, Page 321 of the Plat Records, Collin County, Texas (PRCCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the intersection of the north line of White Street, a variable width public right-of-way (also known as Farm to Market Road 455) with the east line of Ferguson Parkway, a 120 foot right-of-way;

THENCE along the east line of Ferguson Parkway, the following:

N 01°20'21" E, 45.91 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A tangent curve to the right having a central angle of 04°52'14", a radius of 1440.00 feet, a chord of N 03°46'29" E – 122.37 feet, an arc length of 122.41 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 06°12'36" E, 406.23 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A tangent curve to the left having a central angle of 04°14'59", a radius of 1660.00 feet, a chord of N 04°05'07" E – 123.09 feet, an arc length of 123.12 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And N 01°57'38" E, 0.94 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southwest corner of Lot CA-67, Avery Pointe Phase 1, an addition recorded in Cabinet 2016, Page 454 PRCCT, and from which a 5/8" iron rod with plastic cap found for the northwest corner of the right-of-way dedication created by said Ferguson Parkway plat bears N 88°56'01" W, 60.01 feet;

THENCE S 88°56'01" E, along the south line of Lot CA-67, passing the southeast corner thereof and the upper southwest corner of Avery Pointe Phase 2, an addition recorded in Cabinet 2017, Page 535 PRCCT, and continuing along a south line thereof a total distance of 436.52 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE S 01°15'59" W, 440.33 feet along the lower west line of Avery Pointe Phase 2 to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE S 32°44'52" E, 61.47 feet continuing along the lower west line of Avery Pointe Phase 2 to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of Lot 1, Block A, Summer Hill Addition, an addition recorded in Cabinet 2011, Page 22 PRCCT;

THENCE N 88°44'01" W, 33.18 feet along the north line of Lot 1 to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner thereof;

THENCE S 01°15'59" W, 213.09 feet along the west line of Lot 1 to a MAG nail found on the north line of White Street;

THENCE along the north line of said right-of-way, the following:

N 87°23'07" W, 225.78 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

a tangent curve to the left having a central angle of 01°38'02", a radius of 5060.00 feet, a chord of N 88°12'09" W – 144.30 feet, an arc length of 144.30 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And N 89°01'10" W, 114.20 feet to the POINT OF BEGINNING with the subject tract containing 323,717 square feet or 7.432 acres of land.

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof 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.

Dated this the _____ day of _____, 2021.

_____
DARREN K. BROWN, R.P.L.S. NO. 5252

STATE OF TEXAS REGISTERED DARREN K. BROWN 5252 PROFESSIONAL LAND SURVEYOR

darren.brown@
spiarsengineering.com

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 Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

_____
Notary Public, State of Texas

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, **ANNA 455 COMMERCIAL, LP, and Retail Buildings, Inc.**, do hereby adopt this plat designating the hereinabove described property as **AVERY POINTE COMMERCIAL, LOTS 1R, 2R AND 3, BLOCK A**, an Addition to the City of Anna, and do hereby dedicate to the public use forever the streets and alleys shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strip for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Anna, Texas.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

That the undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The area or areas shown on the plat as "VAM" (Visibility , Access, and Maintenance) easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

Witness our hands at Collin County, Texas, this _____ day of _____, 2021.

ANNA 455 COMMERCIAL, LP

_____
Craig Curry, Managing Partner

RETAIL BUILDINGS, INC.

_____
Elaine M. Braum, President

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 _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

_____
Notary Public, State of Texas

STATE OF OKLAHOMA §
COUNTY OF OKLAHOMA §

BEFORE ME, the undersigned, a Notary Public in and for The State of Okalhoma, on this day personally appeared ELAINE M. BRAUM, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

_____
Notary Public, State of Oklahoma

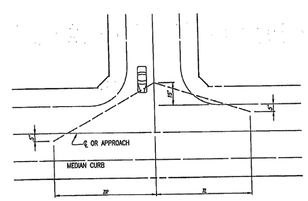


TABLE 9

MINIMUM SIGHT DISTANCE FOR A CAR AT AN INTERSECTION

MPH	I
30	110 + 200=310
35	130 + 250=380
40	130 + 325=475
45	165 + 400=565
50	190 + 475=665

(AASHTO P138, BRAKE REACTION DISTANCE + STOPPING SITE DISTANCE)

EXHIBIT A

REPLAT

AVERY POINTE COMMERCIAL

LOTS 1R, 2R AND 3, BLOCK A
BEING A REPLAT OF LOT 1R & LOT 2, BLOCK A
AVERY POINTE COMMERCIAL
IN THE F. DUFFAU SURVEY, ABSTRACT NO. 288
CITY OF ANNA, COLLIN COUNTY, TEXAS
EXISTING ZONING: PD-C

OWNER / APPLICANT
Anna 455 Commercial, LLC
10950 Research Rd.
Frisco, Texas 75034
Telephone (214) 387-3993
Contact: Clint Richardson

OWNER / APPLICANT
Retail Buildings, Inc.
3000 NE 63rd Street
Oklahoma City, Oklahoma 73121
Telephone (405) 620-7223
Contact: Koty Foran

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPELS No. F-2121 and No. F-10043100
Contact: David Bond

Scale: ######## 11/8/21 SEI Job No. 21-256

Drawing: G:\2021 JOBS\21-256 Brauma Replat\SURVEY\DWG\21-256 Replat.dwg Saved By: DBond10 Save Time: 11/29/2021 10:08:22 AM Plot Date: 11/29/2021 10:08 AM Posted by: DBond10

Ross Altobelli

Subject: FW: Self Storage

From: Robert J. Boeglin III
Sent: Tuesday, February 22, 2022 3:55 PM
To: Ross Altobelli <raltobelli@annatexas.gov>
Cc: Lauren Mecke <lmecke@annatexas.gov>
Subject: Re: FW: Self Storage

Hello,

Unfortunately I will not be able to attend due to my work schedule.

However, I can elaborate on what I have already sent in, which were just questions.

I'm still trying to make sense of the fact that there is still conversation on a storgae unit being built on that plot of land after a whole neighborhood, who is opposed to the idea, had it blocked.

There was an apparent threat made by the builder of putting a Motel 6 on that plot of land after the storage unit was blocked. In my opinion that shouldn't be tolerated by the city in any form. You've essentially let a builder threaten your citizens. So my question is who is kire important to you all? A builder who just wants to make money or the citizens that care about Anna and make it the city that it is.

At this point it seems that at the end of the day it's up to you all with the positions to do what's right. You either care about Anna or you don't. I'm from Dallas where regardless of what anyone said the city basically did what they wanted unless there was some major and significant backlash from citizens. And even then sometimes the city still just did what they wanted.

I wouldn't think Anna would replicate this uncaring behavior towards it's citizens but this whole zoning event is making me think twice.

I'll give you a couple of ideas I've had for zoning of that plot of land. These are ideas of possible buildings being built in that location that could actually benefit the surrounding neighborhoods and city itself.

A small recreation center: this would benefit all surrounding neighborhoods as the small parks located inside them are getting pretty full because of the growth of Anna.

A 24 hour veterinary hospital: there are plenty of pwt owners that would benefit from this type of establishment.

A Walgreens: I understand we have a Walmart and a CVS near by but a Walgreens in the area could also prove beneficial.

I've even had a few people try and purchase this plot of land but we're unable to do so because they could never figure out exactly who to contact. That is how serious some of the citizens of Anna and the surrounding neighborhoods do not want a storage unit or Motel built within the city.

If you guys wanted to build a storage unit or Motel/Hotel, the best place for those is along the service road to 75 and not within the city itself.

I hope the contents of this email can be presented to the attendants and staff for this meeting on the 8th. I don't see any reason why the city and it's citizens can't work together to figure out what's both best for the city and the people that live in it.

- Robert Boeglin

On Feb 22, 2022, at 10:59 AM, Ross Altobelli <raltobelli@annatexas.gov> wrote:

Mr. Boeglin,

Thank you for your comments. City staff will make them available for both the Planning & Zoning Commission and City Council. I recommend you attend the joint public hearing on Tuesday, March 8th to voice your questions/concerns on the proposed zoning request.

Kindest Regards,

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: Robert J. Boeglin III
Sent: Friday, February 18, 2022 9:51 PM
To: Lauren Mecke <lmecke@annatexas.gov>
Subject: Self Storage

Hello,

I was wondering why you all don't care about the surrounding neighborhood's opinions on the matter of a Storage Unit or Motel 6 being built at the corner of White and Ferguson?

You guys just allow a builder to make threats against home owners and don't care?

Please help me understand this and why I should even continue to support this city, the mayor or anyone on the city counsel?

- Robert Boeglin

CITY OF ANNA, TEXAS

ORDINANCE NO. 179-2005

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF ANNA TO PROVIDE FOR REZONING OF CERTAIN PROPERTY; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City Council of the City of Anna has given the requisite notices and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council of the City of Anna has concluded that the Zoning Ordinance of the City of Anna should be amended as follows:

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

Section 1.
The Comprehensive Zoning Ordinance of the City of Anna, Texas, is amended by zoning the tract described in Exhibit A, attached hereto and made an integral part of this Ordinance, as Planned Development, with rules and regulations for said zoning district specified in Exhibit B, attached hereto and made an integral part of this Ordinance. Unless specified in Exhibit B, all other relevant provisions of the Comprehensive Zoning Ordinance and other relevant ordinances and regulations of the City of Anna shall pertain to the tract described herein.

Section 2.
The official Zoning Map of the City of Anna shall be corrected to reflect the change in zoning described herein.

Section 3.
All ordinances of the City of Anna in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 4.
This Ordinance shall take effect immediately from and after its passage by the City Council and approval by the Mayor.

PASSED on this the 8th day of February, 2005, by the following vote of the City Council of the City of Anna, Texas.

AYE 3
NAY 1
ABSTAIN 0

APPROVED:

Mayor

ATTEST:

Barbara L. Harden
City Secretary

EXHIBIT A
LEGAL DESCRIPTION
160.13 ACRES

BEING a tract of land out of the F.T. DUFFAU SURVEY, Abstract No. 288, in the City of Anna, Collin County, Texas, being the tract of land described in deed to the Rudman Partnership, recorded in Volume 3346, Page 764 of the Land Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a point for the intersection of the east line of said Rudman tract and the centerline of F.M. 455;

THENCE with said centerline, North 87°05'00" West, a distance of 329.52 feet to a point for corner;

THENCE leaving the centerline and with the east line of a tract of land described in deed to Ronny Brown, part of the way, North 01°55'00" East, a distance of 259.44 feet to a point for the northeast corner of said Brown tract;

THENCE with the north line of said Brown tract, South 78°51'00" West, a distance of 154.18 feet to a point for corner;

THENCE with the west line of said Brown tract, South 03°57'00" West, a distance of 219.23 feet to a point for corner in the centerline of said F.M. 455;

THENCE with the centerline of said F.M. 455, the following courses and distances to wit:
North 85°45'00" West, a distance of 166.70 feet to a point for corner;
North 87°40'00" West, a distance of 1848.70 feet to a point for corner;
North 88°03'00" West, a distance of 120.01 feet to a point for the intersection of west line of said Rudman tract and the centerline of said F.M. 455

THENCE leaving said centerline and with said west line, North 01°26'00" East, a distance of 2651.19 feet to a point for the northwest corner of said Rudman tract;

THENCE with the north line of said Rudman tract, South 88°09'00" East, a distance of 2642.67 feet to a point for the northeast corner of said Rudman tract;

THENCE with the east line of said Rudman tract, South 01°52'00" West, a distance of 2685.72 feet to the **POINT OF BEGINNING** and containing 160.13 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EXHIBIT C

RUDMAN F.M. 455 PROPERTY
PLANNED DEVELOPMENT DISTRICT

PLANNED DEVELOPMENT STANDARDS

1. PLANNED DEVELOPMENT – Residential Tract A

1.1 General Description: Tract A, identified on the attached Zoning Exhibit is intended to accommodate various types of residential development in the community. Development standards for Tract A are outlined within this Section.

1.2 Permitted Uses:

a. The permitted uses in Tract A will be the same as those permitted in the "R-1 Single Family Residential" zoning district.
b. Residential uses as described herein.
c. Parks, playgrounds and neighborhood recreation facilities including, but not limited to swimming pools, clubhouse facilities and tennis courts.
d. Churches/rectories
e. Schools – public or private.
f. Utility distribution lines and facilities.
g. Fire stations and public safety facilities.
h. Real estate sales offices during the development and marketing of the residential areas.
i. Electronic security facilities including gatehouse and control counter.
j. Construction Trailers associated with development for residential, retail, or commercial uses.

1.3 Building Materials: All main buildings shall have an exterior finish of stone, ~~stucco,~~ brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as an exterior building material shall be limited to a maximum of thirty (30) percent of the total exterior wall surfaces.

1.4 Single Family Homes: Single family homes shall be allowed within Tract A as illustrated on the attached Zoning Exhibit.

1.5 Building and Area Requirements: The following development standards shall pertain to single family uses to be developed within Tract A:

a. Lot Area: The minimum area of any lot within Tract A shall be six thousand two hundred (6,200) square feet. The average lot area of all lots within Tract A shall be six thousand four hundred (6,400) square feet.

b. Minimum Dwelling Size: The minimum area of the main building shall be one thousand four hundred (1,400) square feet, exclusive of garages, breezeways and porticos. Also, a minimum of twenty-five (25) percent of the dwelling units within Tract A shall be one thousand five hundred

(1,500) square feet and a minimum of fifteen (15) percent of the dwelling units within Tract A shall be one thousand six hundred (1,600) square feet.

c. Lot Coverage: In no case shall more than fifty (50) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.

d. Lot Width: The minimum width of any lot shall be fifty-five (55) feet measured at the front building line, except for lots at the terminus of a cul-de-sac, on a corner or along a curve may have a width of fifty (50) feet at the building line; provided all other requirements of this section are fulfilled.

e. Lot Depth: The minimum depth of any lot shall be one hundred (100) feet, except for lots at the terminus of a cul-de-sac, on a corner or along a curve may have a minimum lot depth, measured at mid-points on front and rear lot lines, of ninety-five (95) feet; provided all other requirements of this section are fulfilled.

f. Front Yard: The minimum depth of the front yard shall be twenty (20) feet.

g. Side Yard: A side yard on one side of the lot shall be six (6) feet and the other side shall be four (4) feet. The minimum distance between structures shall be ten (10) feet. A side yard adjacent to a street shall be fifteen (15) feet.

h. Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet.

i. Maximum Building Height: Buildings shall be a maximum of two and a half (2 1/2) stories, not to exceed thirty-six (36) feet in height. Chimneys, antennae and other architectural projections not used for human occupancy may extend above this height limit.

j. Garages: Garages may be front facing and there is no requirement for "swing" driveways.

2. PLANNED DEVELOPMENT– SINGLE FAMILY RESIDENTIAL TRACT B

2.1 General Description: Tract B, identified on the attached Zoning Exhibit is intended to accommodate various types of residential development in the community. Development standards for Tract B are outlined within this Section.

2.2 Permitted Uses:

a. The permitted uses in Tract B will be the same as those permitted in the "R-1 Single Family Residential" zoning district.
b. Residential uses as outlined in Section 1.0 of this Planned Development District.

c. Residential uses as described herein.
d. Parks, playgrounds and neighborhood recreation facilities including, but not limited to swimming pools, clubhouse facilities and tennis courts.
e. Churches/rectories
f. Schools – public or private.
g. Utility distribution lines and facilities.
h. Fire stations and public safety facilities.
i. Real estate sales offices during the development and marketing of the residential areas.
j. Electronic security facilities including gatehouse and control counter.
k. Construction Trailers associated with development for residential, retail, or commercial uses.

2.3 Building Materials: All main buildings shall have an exterior finish of stone, ~~stucco,~~ brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as an exterior building material shall be limited to a maximum of thirty (30) percent of the total exterior wall surfaces.

2.4 Single Family Homes: Single family homes shall be allowed within Tract B as illustrated on the attached Zoning Exhibit.

2.5 Building and Area Requirements: The following development standards shall pertain to single family uses to be developed within Tract B:

a. Lot Area: The minimum area of any lot within Tract B shall be five thousand (5,000) square feet. The average lot area of all lots within Tract B shall be five thousand four hundred (5,400) square feet.

b. Minimum Dwelling Size: The minimum area of the main building shall be one thousand two hundred (1,200) square feet, exclusive of garages, breezeways and porticos. Also, a minimum of thirty (30) percent of the dwelling units within Tract B shall be one thousand three hundred (1,300) square feet and a minimum of twenty (20) percent of the dwelling units within Tract B shall be one thousand four hundred (1,400) square feet.

c. Lot Coverage: In no case shall more than fifty (50) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.

d. Lot Width: The minimum width of any lot shall be sixty (50) feet measured at the front building line, except for lots at the terminus of a cul-de-sac, on a corner or along a curve may have a width of forty-five (45) feet at the building line; provided all other requirements of this section are fulfilled.

e. Lot Depth: The minimum depth of any lot shall be one hundred (100) feet, except for lots at the terminus of a cul-de-sac, on a corner or along a curve may have a minimum lot depth, measured at mid-points on front and rear lot lines, of ninety-five (95) feet; provided all other requirements of this section are fulfilled.

f. Front Yard: The minimum depth of the front yard shall be twenty (20) feet.

g. Side Yard: A side yard on one side of the lot shall be six (6) feet and the other side shall be four (4) feet. The minimum distance between structures shall be ten (10) feet. A side yard adjacent to a street shall be fifteen (15) feet.

h. Rear Yard: The minimum depth of the rear yard shall be fifteen (15) feet.

i. Maximum Building Height: Buildings shall be a maximum of two and a half (2 1/2) stories, not to exceed thirty-six (36) feet in height. Chimneys, antennae and other architectural projections not used for human occupancy may extend above this height limit.

j. Garages: Garages may be front facing and there is no requirement for "swing" driveways.

2.6 Townhouse Units: Townhouse units shall be allowed within Tract B as outlined on the Zoning Exhibit. If townhouse units are developed within Tract B, they shall be developed in accordance with the following criteria:

i. Front Yard: The minimum depth of the front yard shall be ten (10) feet.

ii. Side Yard: There will be no requirement for separation between units. All buildings shall have a minimum side yard of six (6) feet and shall maintain a minimum building separation of twelve (12) feet. A side yard adjacent to a public street shall be a minimum of fifteen (15) feet.

iii. Rear Yard: All buildings shall have a minimum rear yard of fifteen (15) feet.

iv. Minimum Dwelling Size: The minimum area of the main building shall be one thousand two hundred (1,200) square feet, exclusion of garages, breezeways and porticos.

v. Lot Area: The minimum area of any lot shall be two thousand (2,000) square feet.

vi. Lot Coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

vii. Lot Width: The minimum width of any lot shall be twenty-five (25) feet.

viii. Lot Depth: The minimum depth of any lot shall be ninety (90) feet.

ix. Maximum Building Height: Buildings shall be a maximum of two (2) stories, not to exceed thirty-six (36) feet in height. Chimneys, antennae and other architectural projections not used for home occupancy may extend above this height limit.

x. Open Space Requirement: A minimum of ten (10) percent of the net lot area, for areas to be developed for townhouse areas, shall be developed and maintained as landscaped open space. Landscape open space may include areas used for facilities such as walks, plazas, courts, recreational amenities, water features and other similar uses not specifically used for vehicle access and parking. Open Space shall be located within the residential portions of this Planned Development District. A minimum of thirty (30) percent of the required ten (10) percent shall be located within the townhouse area.

xi. Garages: Garages may be front facing and there is no requirement for "swing" driveways.

3. PLANNED DEVELOPMENT – COMMERCIAL/RETAIL TRACT C

3.1 Commercial/Retail: Commercial/Retail areas are primarily intended to accommodate retail, commercial and service centers that supply the surrounding residential areas with convenience goods and services which are normal daily necessities and routine purchases.

a. Permitted Uses: The permitted uses in Tract C will be the same as those permitted in the "C-2 General Commercial" zoning district. The following uses shall be permitted in all Commercial/Retail areas:

- Advertising Signs – Permitted in compliance with the City's Sign Ordinance, as it presently exists or may be amended.
- Antique Sales.
- Appliance Stores – Service and Repair.
- Assisted Living Facilities.
- Artist Materials and Supplies.
- Audio and Sound Stores.
- Auto Laundries/Car Wash Facilities – Incidental to the primary business use.
- Auto Parts and Accessories Sales.
- Automobile Parking Lots and Parking Garages - Limited to one story in height.
- Automobile Repairs/Operations – Service bay doors may not directly face F.M. 455.
- Baby Shops.
- Bakery and Confectionery Shops.
- Banks, Savings and Loan and Credit Unions.
- Banks, Savings and Loan and Credit Unions – With Drive-Thru Services.
- Barber/Beauty Shops.
- Bed and Breakfast.

- Book and Stationery Stores.
- Business Machine Sales and Service Establishments.
- Business Services.
- Cafeterias.
- Camera and Photographic Supply Shops.
- Candy and Cake Shops.
- Carpet and Rug Stores.
- Catering Establishments.
- China and Glassware Stores.
- Churches/Rectories.
- Civic/Convention Center.
- Cleaning, Dyeing, Pressing, Pick-up and Collection Agencies.
- Clinics – Medical and Dental.
- Clothing, Footwear, Apparel, Costume and Costume Rental Stores.
- Coin and Philatelic Stores.
- Commercial Amusement/Recreation Enterprises – Indoor and Outdoor.
- Computer Sales and Repairs.
- Concrete Batching Plants – Temporary and Incidental to On-Site Construction.
- Consignment Shops.
- Construction and field offices – Temporary.
- Convalescence Homes.
- Convenience Stores.
- Convenience Stores – With Gas Service.
- Curio and Gift Shops.
- Dairy Products (Retail) – Warehousing of products shall not be permitted as the primary business use.
- Day Care Centers for Children.
- Delicatessens.
- Department Stores.
- Dinner Theatres.
- Drapery Shops.
- Dress Shops.
- Drug Stores/Pharmacies.
- Dry Good Stores.
- Duplicating Centers, Mailing Services. Etc.
- Electrician.
- Exterminating Shops.
- Farmer's Market.
- Financial Institutions.
- Fitness and Health Centers.
- Fixture Repair Shops.
- Florist and Garden Shops.
- Fraternal Organizations, Lodges, Civic Clubs, Philanthropic, and Eleemosynaries.
- Frozen Food Lockers.
- Furniture, Home Furnishings and Equipment Showrooms and Sales.
- Furniture Stores.
- General Merchandise Stores.
- Governmental and Utility Agencies, Offices, Facilities and Service Yards – No Outdoor Storage Unless Screened.

- Greenhouse and Nursery Facilities – Sales permitted, but no wholesale growing of stock as a primary business use.
- Grocery Stores and Supermarkets.
- Guard and Patrol Services.
- Gunsmith.
- Hardware and Building Materials Stores – No outdoor Storage unless Screened.
- Health Product Stores.
- Hobby or Craft Stores.
- Homebuilder.
- Hospitals and Sanitariums.
- Hotels, Apartments Hotels, and Motels.
- Ice Cream Stores.
- Independent Living Facilities.
- Indoor Storage Facilities – Incidental to the primary business use and located within the same building.
- Interior Decorating Stores –Including upholstering and making of draperies, slipcovers, and other similar articles when conducted as a part of the retail operations and secondary to the principal use.
- Jewelry Stores.
- Job Printing Centers.
- Key Shops/Locksmiths.
- Laboratories - Medical, Dental, and Research.
- Laundromats.
- Laundry and Dry Cleaning Establishments.
- Leather Goods Shops and Luggage Stores.
- Loan Offices.
- Locksmiths.
- Marketing Center.
- Mass Commuter/Transit Stations.
- Meat Markets – Including the sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when such sale is conducted as part of the retail business on the premises; part of the retail business on the premises.
- Medical and Health Care Facilities/Clinics/Emergency Centers.
- Medical Offices.
- Messenger/Courier and Telegraph Services.
- Miniwarehouses – If approved by the Anna City Council as a Conditional Use per Section 6, Conditional Uses of the City of Anna Zoning Ordinance.
- Mortuaries.
- Municipal Buildings and Facilities.
- Museums, Libraries, Art Schools and Art Galleries.
- Musical Instrument Sales and Repairs.
- Music Sound Equipment and Sheet Music Stores.
- Newspaper and Magazine Sales.
- Novelty/Notion Stores.
- Nursing Homes.
- Offices – Professional, Administrative, Medical and General Offices, including, but not limited to, doctors, dentists, optometrists, psychiatrists,

attorneys, architects, engineers, planners, travel agents, advertising, insurance, real estate, employment agencies, and similar offices.

- Office Businesses.
- Office Supplies and Sales.
- Optical Stores – Sales and Services.
- Orthopedic and Medical Appliance and Supply Stores.
- Paint Stores and Wallpaper Stores.
- Parks, Playgrounds, Recreational Facilities and Community Centers.
- Pet Grooming and Supplies.
- Pet Shops.
- Photographic Services.
- Physical culture, health service, and reducing salons.
- Play Equipment – Sales and Display.
- Plumbing Shops – No Outdoor Storage.
- Pool Supply Shops.
- Post Office Facilities.
- Printing, Duplicating and Blueprinting Centers/Stores.
- Private Club Facilities – In accordance with other applicable City ordinances, as they presently exist or may be amended.
- Pumping Stations.
- Radio and Television Microwave Antennae/Towers – Incidental to the primary use, and in accordance with other applicable City ordinances, as they presently exist or may be amended. Limited to a maximum of forty (40) feet in height.
- Radio and Television Sales and Services.
- Radio and Television Studios and Broadcasting Facilities.
- Recreation Centers – Public and Private.
- Recycling Collection Containers.
- Repair and Storage Garages – Service bay doors may not directly face F.M. 455.
- Restaurants.
- Restaurants – With Drive-In/Drive-Thru Service.
- Retail Sales.
- Retail Shops and Stores.
- Schools – Public, Private, Parochial, music, dance, business, or trade.
- Securities and Commodities Offices – Including, but not limited to brokers, dealers, underwriters, exchange offices and similar offices.
- Service Stations – Full Service (Including Bays).
- Service Stations – Self Service.
- Service Stations – Including the Incidental storage of rental trucks and trailers, except that trucks and trailers for storage or rental may not be parked within the public right-of-way.
- Sewing Machine Sales and Services.
- Shoe and Boot Sales and Repair Stores.
- Shopping Centers.
- Small Engine Repairs – Under Roof and Enclosed.
- Specialty Shops and Boutiques.
- Sporting Goods Sales.
- Studios – Art, Photography, Music, Dance, Gymnastics, Health, etc.
- Tailor Shops.
- Taxidermists.

- Telephone Business Office.
- Telephone Exchange and Transmission Equipment Buildings/Facilities.
- Theaters – Indoor.
- Theatrical Centers, Lodges, Assembly Halls, and Auditoriums.
- Ticket Agencies, Amusement
- Tire Dealers and Repair Shops.
- Tobacco Shops.
- Tool and Equipment Rental Stores – No outdoor Storage Unless Screened.
- Toy Stores.
- Travel Bureaus.
- Trophies and Awards Shops.
- Upholstery Shops.
- Utility Distribution Systems and Facilities – Including, but not limited to electric substations, gas odorizing stations, and gate stations; railroad rights-of-way for switch, lead, spur or team tracks; water pumping stations and water reservoirs.
- Variety Stores.
- Vehicle Service Centers.
- Veterinarian Clinics and Kennels – Limited to small animals and containing no outside pens.
- Warehousing Facilities – Incidental to the primary business use and located within the same building.
- Watch Making Shops.
- Water Softener Sales and Service.
- Water Treatment Facilities.
- Accessory buildings and uses customarily incident to the permitted uses.
- Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion of construction work.
- Uses similar to the above permitted uses, provided the Anna City Council approves said uses prior to the issuance of a building permit.

b. Building and Area Requirements: The following development standards shall pertain to retail uses, as outlined above, developed within Tract C:

i. Density: The permitted floor area of all buildings within the commercial/retail areas shall be unlimited, provided that all sections of the Planned Development Ordinance are fulfilled.

ii. Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet. When a lot has double frontage, the front yard requirement shall be applied to both streets.

iii. Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve (12) feet.

A twenty-four (24) foot side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty (50) foot side yard is required when the property is located adjacent to property that is zoned for single family residential uses.

iv. Rear Yard: No rear yard is required unless vehicular access is provided/required, in which case the rear yard shall have a depth of not less than twelve (12) feet.

A twenty-four (24) foot rear yard shall be provided where fire lane access is required and where a vehicular access/fire lane easement is not available on the adjoining property.

A fifty (50) foot rear yard is required when the property is located adjacent to property that is zoned for single family residential uses.

v. Maximum Building Height: The maximum height of the buildings within Commercial/Retail Areas shall have a maximum allowed height of two (2) stories, not to exceed forty (40) feet.

vi. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet.

vii. Lot Width: The minimum lot width shall be fifty (50) feet.

viii. Lot Depth: The minimum lot depth shall be ninety (90) feet.

ix. Lot Coverage: In no case shall more than forty (40) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Parking structures and surface parking facilities shall be excluded from lot coverage computation.

x. Building Materials: All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty (20) percent of the total exterior wall surfaces.

4. GENERAL CONDITIONS:

4.1 Amendment to the Planned Development District (PD):

a. At such time a request to amend the PD is submitted, only the party initiating the request shall be named as the "Applicant". All owners of property within the boundaries of the PD are not required to be applicants for amendments to the PD, unless the requested amendments directly affect their property.

b. The notification area shall be two hundred (200) feet from the subject property listed on the application as defined by a separate boundary survey or exhibit.

4.3 Landscape Requirements: A landscape buffer with a minimum average width of twenty (20) feet shall be provided adjacent to F.M. 455.

4.4 Commercial Screening: A six (6) foot masonry wall shall be located along the rear property line of the commercial property, adjacent to existing and proposed residential land uses. The installation and maintenance of this wall shall be the responsibility of the owner/developer of the commercial property.

4.5 Residential Buffering: In addition to the six (6) foot masonry wall, as noted above in Section 4.4, steps shall be taken to buffer and/or screen commercial users within Tract C from residential users. A landscape buffer area, a minimum of fifteen (15) feet in width, shall be provided on the commercial property adjacent to existing or proposed residential uses. This landscape buffer area will be located inside the masonry wall and will contain trees (minimum 3" caliper) planted a minimum of fifty (50) feet apart. Plans for the above noted masonry wall and the fifteen (15) foot landscape buffer shall be submitted to and approved by the Anna City Council in conjunction with the approval process for a user within the specific Commercial/Retail area to be developed.

4.6 Conformance to All Applicable Articles of the Anna Zoning Ordinance: Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the Anna Zoning Ordinance as it presently exists or may be amended.

4.7 Parking Requirements: Unless otherwise defined herein, parking requirements shall comply with the ordinances of the City of Anna as they presently exist or as they may be amended.

4.8 Residential Density: The maximum number of single family residential lots within Tracts A and B shall not exceed five hundred twenty (520) units calculated in aggregate.

4.9 General Compliance: Except as amended by this Ordinance, development of property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of the City of Anna as they exist or may be amended.

a. All paved areas, permanent drives, streets (dedicated or private), and drainage structures (if any) must be constructed in accordance with standard City of Anna specifications as they exist or may be amended.

b. The Building Official shall not issue a building permit or a Certificate of Occupancy for any use in a phase of this Planned Development District until there has been full compliance with these conditions, and all other rules and regulations of the City of Anna as they exist or may be amended and are applicable to that phase of development.

CITY OF ANNA, TEXAS

ORDINANCE NO. 226-2005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, COLLIN COUNTY, TEXAS, CORRECTING A SCRIVENER'S ERROR IN ORDINANCE NO. 179-2005

WHEREAS, Ordinance No. 179-2005 of the City of Anna, Texas, passed on February 8, 2005, omitted reference to the concept plan of the property referenced in the ordinance and contained in Exhibit B and contains references to rules and regulations that clearly should be references to Exhibit C; and

WHEREAS, the owner of the property involved in the rezoning that is the subject of Ordinance No. 179-2005 is aware of and concurs that the reference to the concept plan of the property referenced in the ordinance and contained in Exhibit B was omitted and references to rules and regulations contained in Exhibit B in said ordinance should be changed to Exhibit C; and

WHEREAS, the City Council of the City of Anna desires to correct the scrivener's error in Ordinance No. 179-2005; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT SECTION 1 OF ORDINANCE NO. 179-2005 SHALL BE REVISED TO INCLUDE REFERENCE TO THE PROPERTY CONCEPT PLAN CONTAINED IN EXHIBIT B AND REFERENCES IN SECTION 1 OF ORDINANCE NO. 179-2005 REFERRING TO RULES AND REGULATIONS CONTAINED IN EXHIBIT B SHALL BE CORRECTED TO REFER TO EXHIBIT C AND SAID SECTION 1 OF ORDINANCE 179-2005 SHALL BE REVISED TO READ AS FOLLOWS:

Section 1.
The Comprehensive Zoning Ordinance of the City of Anna, Texas, is amended by zoning the tract described in Exhibit A, attached hereto and made an integral part of this Ordinance, as Planned Development, with approximate tract boundaries and concepts as shown on Exhibit B and with rules and regulations for said zoning district specified in Exhibit C, attached hereto and made an integral part of this Ordinance. Unless specified in Exhibit C, all other relevant provisions of the Comprehensive Zoning Ordinance and other relevant ordinances and regulations of the City of Anna shall pertain to the tract described herein.

PASSED by the City Council of the City of Anna, Texas, on the 13th day of September, 2005.

ATTEST:

Natha Wilkison

City Secretary, Natha Wilkison

APPROVED:

Mayor, Kenneth Pelham

CITY OF ANNA, TEXAS

ORDINANCE NO. 709-2015

Anna 455 Commercial LP
"Planned Development-C-2" ("PD")
North of FM 455 (White St.) and east and west of Ferguson Pkwy

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ZONING MAP, AND THE ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the zoning in the City; and

WHEREAS, Anna 455 Commercial LP has submitted a request to amend the zoning and development regulations in Ordinance No. 179-2005 on 15.7 acres of land located in the F.T. Daffau Survey, A0288 (the "Property") further described in Exhibit A attached hereto and incorporated herein for all purposes as if set forth in full; and

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

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

Section 1. Recitals Incorporated

The above recitals are incorporated herein by reference for all purposes.

Section 2. Zoning Ordinance Amended

Exhibit C of Ordinance No. 179-2005 is hereby amended by changing the Building and Area Requirements in Section 3.1(b) for the Property described in Exhibit A as follows:

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3. Planned Development – Commercial/Retail Tract C

b. Building and Area Requirements: The following development standards shall pertain to retail uses, as outlined above, developed within Tract C.

i. Density: The permitted floor and area of all buildings within the commercial/retail areas shall be unlimited, provided that all sections of the Planned Development Ordinance are fulfilled.

ii. Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet.

iii Side Yard:
a. The minimum interior side yard shall be five (5) feet. The minimum side yard may be eliminated for attached buildings on separate lots as shown on an approved site plan.

b. When adjacent to any other district that requires a side yard, the minimum side yard shall be fifteen (15) feet

c. The minimum side yard when adjacent to a street shall be twenty-five (25) feet.

d. The minimum side yard when adjacent to property that is zoned for single family shall be twenty-five (25) feet.

iv. Rear Yard:
a. The minimum rear yard shall be ten (10) feet. The minimum rear yard may be eliminated for attached buildings on separate lots as shown on an approved site plan.

b. The minimum rear yard when adjacent to property that is zoned for single family shall be thirty-five (35) feet.

v. Maximum Building Height: The maximum height of the buildings within Commercial/Retail Areas shall have a maximum allowed height of two (2) stories, not to exceed forty (40) feet.

vi. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet.

vii. Lot Width: The minimum lot width shall be sixty (60) feet.

viii. Lot Depth: The minimum slot depth shall be ninety (90) feet

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ix. Lot Coverage: The maximum lot coverage shall be seventy (70) percent for the combined areas of the main buildings and accessory buildings. Parking structures and parking facilities shall be excluded from lot coverage computation.

x. Building Materials: All main buildings shall have an exterior finish of stone, stucco_(if approved by the Anna City Council) brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty (20) percent of the total exterior wall surfaces>

Section 3. Official Zoning Map

The official Zoning Map of the City shall be corrected to reflect the change in zoning described herein:

Section 4. Savings, Repealing and Severability Clauses

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

Section 5. Penalty

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed $2,000 for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

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Section 6. Publication of the Caption and Effective Date

This ordinance shall be effective upon its passage by the City Council, approval by the Mayor, and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas this 8th day of December, 2015.

ATTESTED: APPROVED:

Carrie L. Smith, City Secretary Mike Crist, Mayor

CITY OF ANNA TEXAS

DUPLICATE

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land located in the City of Anna, Collin County, Texas, a part of the Francis T. Duffau Survey, Abstract Number 288, being a part of that called 20.00 acre tract of land described in deed to Anna 455 Commercial Partners, LP, as recorded in County Clerk File No. 20071205001623100, Deed Records Collin County, Texas, being a part of that called 8.931 acre tract of land described as Tract I in deed to Anna 455 Commercial Partners, LP, as recorded in County Clerk File No. 20121119001473740 and County Clerk File No. 20121119001473750, Deed Records Collin County, Texas, and being further described as follows:

COMMENCING at a brass TXDOT monument found in the north line of White Street (Farm to Market Highway No. 455) (a variable width right-of-way), said point being in the west line of said 13.798 acre tract of land, and said point being the east line of Lot 9, Block B of The Falls Phase 1A, an addition to the City of Anna, as recorded in Cabinet O, Page 615, Plat Records Collin County, Texas;

THENCE along the north line of White Street as follows:

South 89 degrees 01 minutes 10 seconds East, 1485.84 feet to a brass TXDOT monument found;

Southeasterly, 144.30 feet along a curve to the right having a central angle of 01 degrees 38 minutes 02 seconds, a radius of 5,060.00 feet, a tangent of 72.16 feet, and whose chord bears South 88 degrees 12 minutes 09 seconds East, 144.30 feet to a point for corner;

South 87 degrees 23 minutes 07 seconds East, 225.78 feet to a pk nail found in the west line of Lot 1, Block A of Summer Hill Addition, an addition to the City of Anna, as recorded in Volume 2011, Page 22, Plat Records Collin County, Texas;

THENCE South 87 degrees 24 minutes 35 seconds East, 126.53 feet to point in the north line of White Street, said point being in the east line of said Lot 1, and said point being the POINT OF BEGINNING of the herein described tract of land;

THECE North 01 degrees 16 minutes 02 seconds East, 216.01 feet along the east line of said Lot 1 to the northeast corner of said Lot 1;

THECE South 88 degrees 44 minutes 01 seconds East, 174.46 feet to a five-eighths inch iron rod found for corner;

THECE South 02 degrees 58 minutes 00 seconds West, 60.69 feet to a one-half inch iron rod found at the northwest corner of a called 0.700 acre tract of land described in deed to Ronny and Linda Brown, as recorded in Volume 1076, Page 564, Deed Records Collin County, Texas;

THECE South 03 degrees 08 minutes 13 seconds West, 159.38 feet along the west line of said 0.700 acre tract of land to a brass TXDOT monument found in the north line of White Street;

THENCE North 87 degrees 23 minutes 06 seconds West, 167.40 feet along the north line of White Street to the POINT OF BEGINNING and containing 37,289 square feet or 0.856 of an acre of land.

DUPLICATE

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land located in the City of Anna, Collin County, Texas, a part of the Francis T. Duffau Survey, Abstract Number 288, being a part of that called 13.798 acre tract of land described as Tract II in deed to Anna 455 Commercial Partners, LP, as recorded in County Clerk File No. 20121119001473740 and County Clerk File No. 20121119001473750, Deed Records Collin County, Texas, being a part of that called 20.000 acre tract of land described in deed to Anna 455 Commercial Partners, LP, as recorded in County Clerk File No. 20071205001623100, Deed Records Collin County, Texas, and being further described as follows:

BEGINNING at a brass TXDOT monument found in the north line of White Street (Farm to Market Highway No. 455) (a variable width right-of-way), said point being in the west line of said 13.798 acre tract of land, and said point being the east line of Lot 9, Block B of The Falls Phase 1A, an addition to the City of Anna, as recorded in Cabinet O, Page 615, Plat Records Collin County, Texas;

THENCE North 00 degrees 13 minutes 06 seconds East, 300.03 feet along the west line of said 13.798 acre tract of land and along the east line of said Lot 9 to a one-half inch iron rod set for corner;

THENCE South 89 degrees 01 minutes 10 seconds East, 1,073.37 feet to a point for corner;

THENCE South 00 degrees 58 minutes 50 seconds West, 300.00 feet to a point in the north line of White Street;

THENCE North 89 degrees 01 minutes 10 seconds West, 1,069.37 feet along the north line of White Street to the POINT OF BEGINNING and containing 321,411 square feet or 7.379 acres of land.

DUPLICATE

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land located in the City of Anna, Collin County, Texas, a part of the Francis T. Duffau Survey, Abstract Number 288, being a part of that called 20.000 acre tract of land described in deed to Anna 455 Commercial Partners, LP, as recorded in County Clerk File No. 20071205001623100, Deed Records Collin County, Texas, and being further described as follows:

BEGINNING at a PK nail found in the north line of White Street (Farm to Market Highway No. 455) (a variable width right-of-way), said point being in the west line of north line of Lot 1, Block A of Summer Hill Addition, an addition to the City of Anna, as recorded in Volume 2011, Page 22, Plat Records Collin County, Texas;

THENCE along the north line of White Street as follows:

North 87 degrees 23 minutes 07 seconds West, 225.78 feet to a point for corner;

Northwesterly, 144.30 feet along a curve to the left having a central angle of 01 degrees 38 minutes 02 seconds, a radius of 5,060.00 feet, a tangent of 72.16 feet, and whose chord bears North 88 degrees 12 minutes 09 seconds West, 144.30 feet to a brass TXDOT monument found;

North 89 degrees 01 minutes 10 seconds West, 114.20 feet to a point for corner;

THENCE North 01 degrees 20 minutes 21 seconds East, 45.91 feet to a point for corner;

THENCE Northeasterly, 122.41 feet along a curve to the right having a central angle of 04 degrees 52 minutes 14 seconds, a radius of 1,440.00 feet, a tangent of 61.24 feet, and whose chord bears North 03 degrees 46 minutes 29 seconds East, 122.38 feet to a point for corner;

THENCE North 06 degrees 12 minutes 36 seconds East, 406.23 to a point for corner;

THENCE Northeasterly, 123.11 feet along a curve to the left having a central angle of 04 degrees 14 minutes 58 seconds, a radius of 1,660.00 feet, a tangent of 61.59 feet, and whose chord bears North 04 degrees 05 minutes 07 seconds East, 123.09 feet to a point for corner;

THENCE North 01 degrees 56 minutes 40 seconds East, 0.94 feet to a point in the north line of said 20.000 acre tract of land, said point being in the south line of called 56.738 acre tract of land described in deed to Lennar Homes of Texas Land and Construction, LTD., as recorded in County Clerk File No. 20150206000134500, Deed Records Collin County, Texas;

THENCE South 88 degrees 56 minutes 01 seconds East, 436.51 feet along the north line of said 20.000 acre tract of land and along the south line of said 56.738 acre tract of land to a five-eighths inch iron rod found at the northwest corner of a called 10.617 acre tract of land described

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EXHIBIT A

in deed to Lennar Homes of Texas Land and Construction, LTD., as recorded in County Clerk File No. 20150206000134510, Deed Records Collin County, Texas;

THENCE along the west line of said 10.617 acre tract of land as follows:

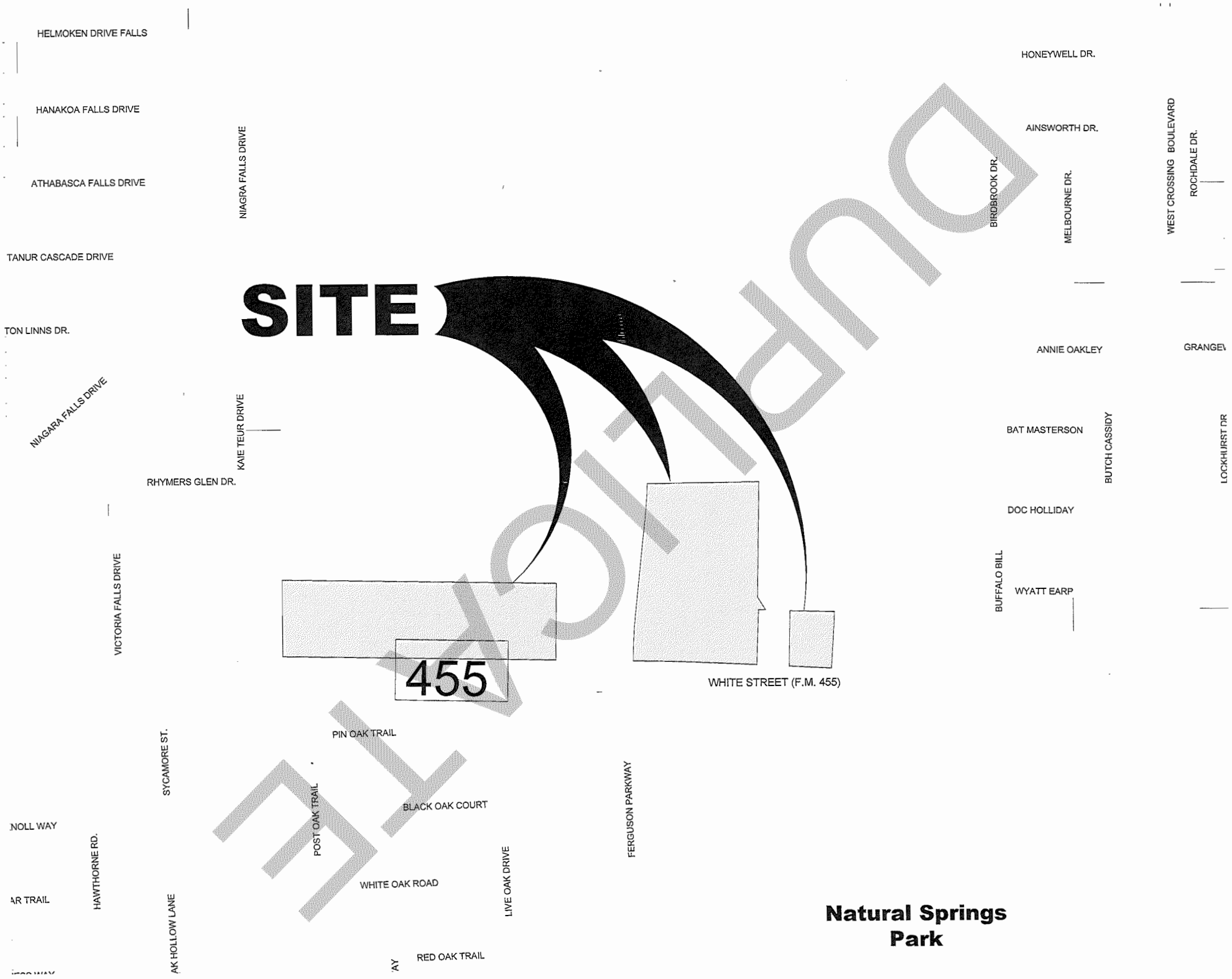
South 01 degrees 15 minutes 59 seconds West, 440.33 feet to a one-half inch iron rod set for corner;

South 32 degrees 44 minutes 52 seconds West, 61.47 feet to a one-half inch iron rod set in the north line of said Lot 1;

THENCE North 88 degrees 44 minutes 01 seconds West, 33.18 feet along the north line of said Lot 1 to a five-eighths inch iron rod found at the northwest corner of said Lot 1;

THENCE South 01 degrees 15 minutes 59 seconds West, 213.09 feet along the west line of Lot 1 to the POINT OF BEGINNING and containing 323,716 square feet or 7.432 acres of land.

DUPLICATE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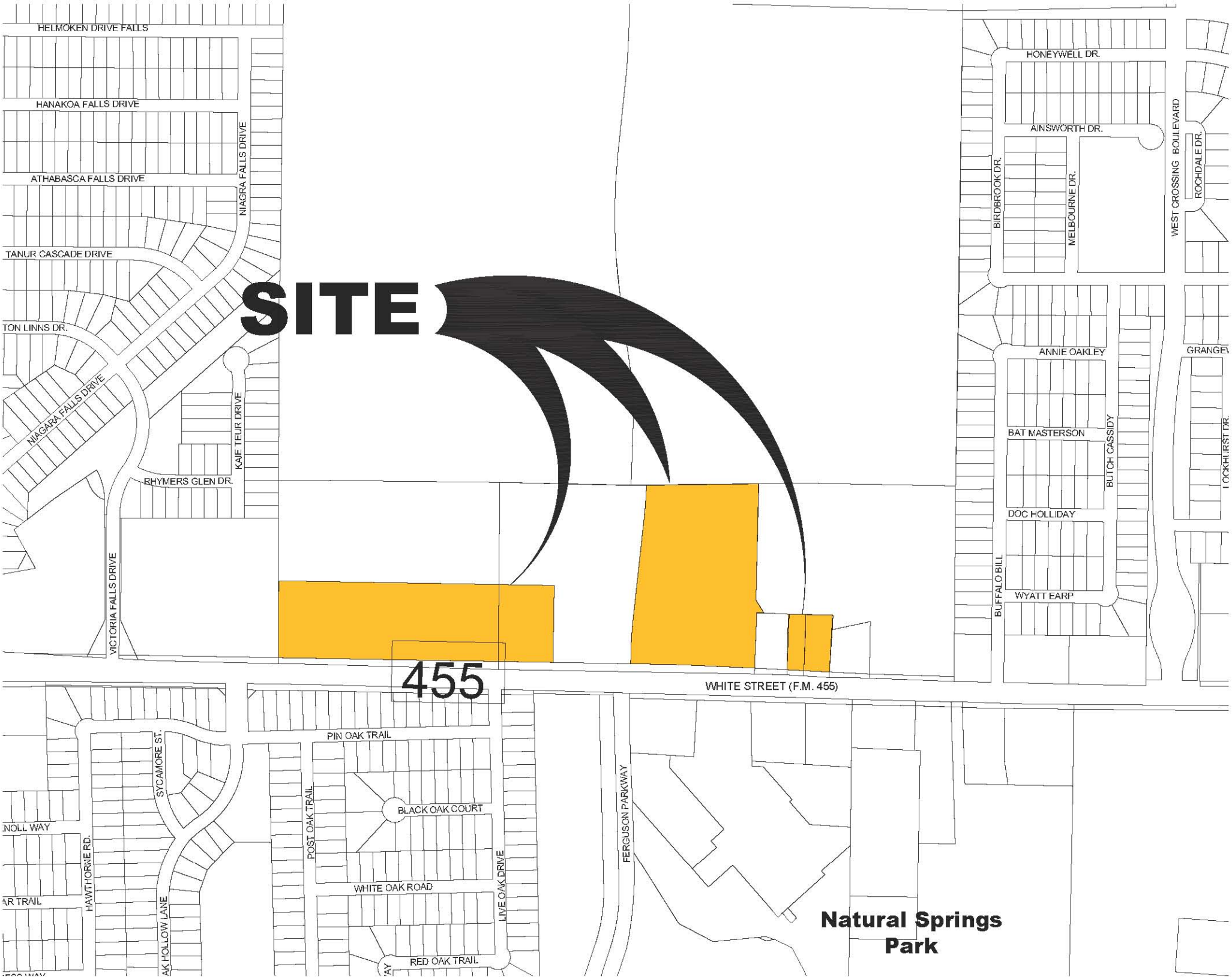
HANAKOA FALLS DRIVE
ATHABASCA FALLS DRIVE
TANUR CASCADE DRIVE
TON LINNS DR.
NIAGARA FALLS DRIVE
NIAGRA FALLS DRIVE
KAIE TEUR DRIVE
RHYMERS GLEN DR.
VICTORIA FALLS DRIVE
SITE
455
WHITE STREET (F.M. 455)
HONEYWELL DR.
AINSWORTH DR.
BIRDBROOK DR.
MELBOURNE DR.
WEST CROSSING BOULEVARD
ROCHDALE DR.
ANNIE OAKLEY
GRANGEV
BAT MASTERSON
BUTCH CASSIDY
LOCKHURST DR
DOC HOLLIDAY
BUFFALO BILL
WYATT EARP
PIN OAK TRAIL
SYCAMORE ST.
POST OAK TRAIL
BLACK OAK COURT
FERGUSON PARKWAY
NOLL WAY
HAWTHORNE RD.
WHITE OAK ROAD
LIVE OAK DRIVE
AR TRAIL
AK HOLLOW LANE
RED OAK TRAIL
Natural Springs
Park
PUBLIC FILE


HELMOKEN DRIVE FALLS
HANAKOA FALLS DRIVE
ATHABASCA FALLS DRIVE
NIAGRA FALLS DRIVE
TANUR CASCADE DRIVE
TON LINNS DR.
NIAGARA FALLS DRIVE
KAIE TEUR DRIVE
RHYMERS GLEN DR.
VICTORIA FALLS DRIVE
SITE
455
WHITE STREET (F.M. 455)
HONEYWELL DR.
AINSWORTH DR.
BIRDBROOK DR.
MELBOURNE DR.
WEST CROSSING BOULEVARD
ROCHDALE DR.
ANNIE OAKLEY
BAT MASTERSON
BUTCH CASSIDY
DOC HOLLIDAY
BUFFALO BILL
WYATT EARP
GRANGE
LOCKHURST DR.
PIN OAK TRAIL
SYCAMORE ST.
BLACK OAK COURT
POST OAK TRAIL
FERGUSON PARKWAY
NOLL WAY
HAWTHORNE RD.
WHITE OAK ROAD
LIVE OAK DRIVE
AR TRAIL
AK HOLLOW LANE
RED OAK TRAIL
Natural Springs Park

CITY OF ANNA, TEXAS
(Avery Pointe Commercial, Block A, Lot 2R; located on the north side of W. White Street, 293± feet east of S. Ferguson Parkway.)

ORDINANCE NO. 955-2022

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the zoning in the City; and

WHEREAS, the City has received a request to amend the zoning and development regulations in Ordinance No. 179-2005 as modified by Ord. No. 226-2005 and 709-2015 from Retail Buildings Inc. on Avery Pointe Commercial, Block A, Lot 2R as shown in Exhibit 1 (the "Property") attached hereto and incorporated herein for all purposes as if set forth in full; and

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

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

Section 1. **Recitals Incorporated**

The above recitals are incorporated herein by reference for all purposes.

Section 2. **Zoning Ordinance Amended**

Exhibit C of Ordinance No. 179-2005 is hereby amended by changing as follows:

4.0 General Conditions:

4.5 Residential Buffering: In addition to the six (6) foot masonry screening wall, as noted above in Section 4.4, steps shall be taken to buffer and/or screen commercial users within Tract C from residential users. A landscape buffer area, a minimum of fifteen (15) feet in width, shall be provided on the

commercial property adjacent to existing or proposed residential uses. The width of the landscape buffer area shall be reduced to ten (10) feet in width within the limits of Avery Pointe Commercial, Block A, Lot 2R to accommodate the extension of existing paving areas. This landscape buffer area will be located within the limits of Tract C and will contain trees (minimum 3" caliper) planted a maximum of fifty (50) feet apart. In areas where there is an overlap of the landscape buffer area with an easement, alternative plantings may be provided subject to approval by the City of Anna Public Works Department.

Section 3. **Official Zoning Map**

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

Section 4. **Savings, Repealing and Severability Clauses**

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict. Notwithstanding any provision of this ordinance or the Anna Code, it is intended that this ordinance fully comply with Chapter 3000 of the Texas Government Code ("Chapter 3000") and this ordinance shall and the City Code shall be interpreted in a manner to comply with Chapter 3000. For the purposes of this ordinance, any provision of the City Code that does not comply with Chapter 3000 shall be deemed to have been excluded and not a part of this ordinance.

Section 5. **Penalty**

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed $2,000 for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

Section 6. **Publication of the Caption and Effective Date**

This ordinance shall be effective upon its passage by the City Council, approval by the Mayor, and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas this 11th day of January 2022.

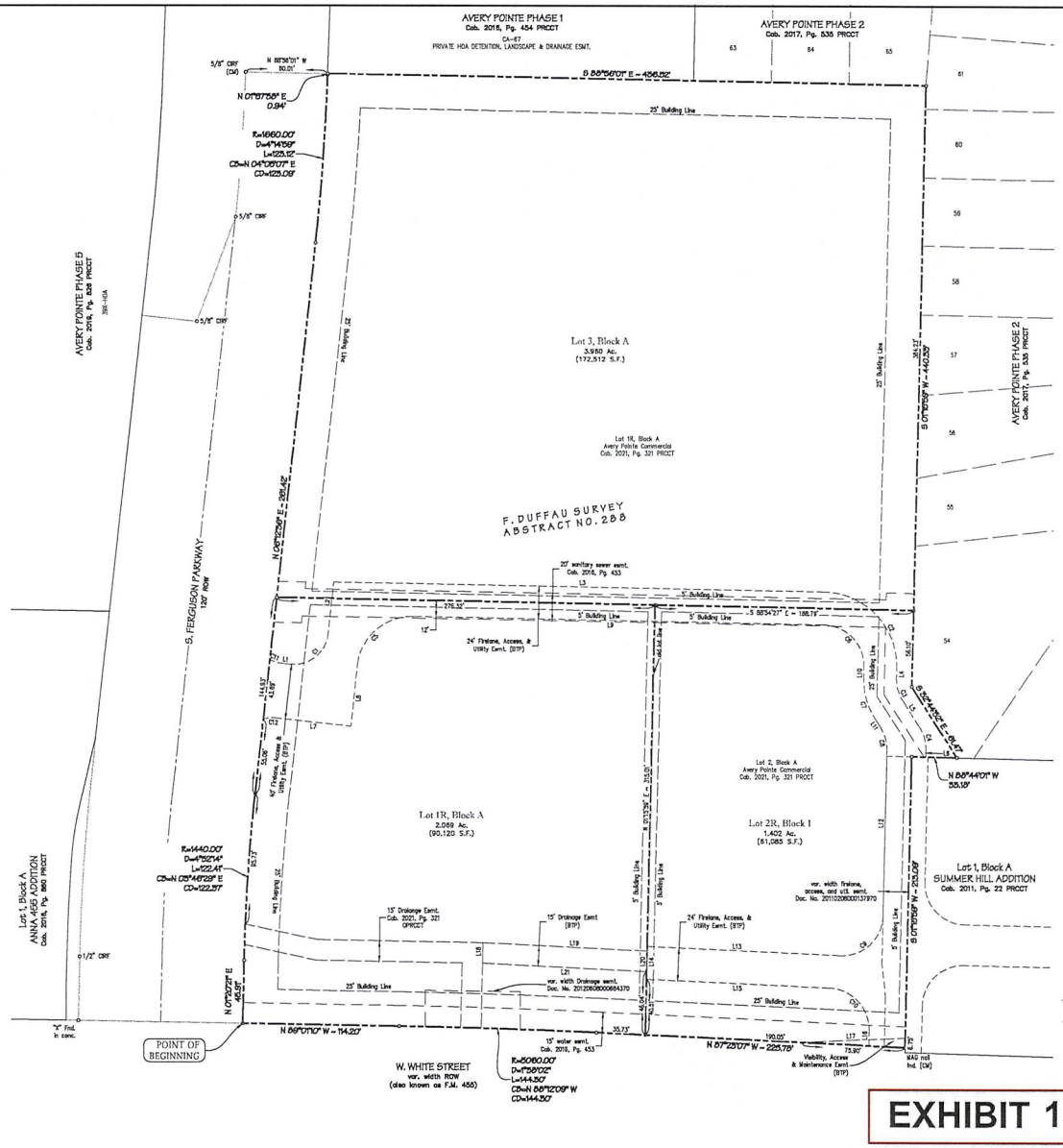
ATTESTED:

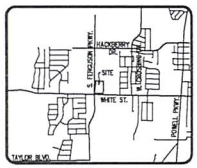
Carrie L. Land, City Secretary

APPROVED:

Nate Pike, Mayor

CITY OF ANNA TEXAS





LOCATION MAP
NTS

NOTES:

1. This replat was prepared without the benefit of a commitment for title insurance. No research was performed for any easements other than that shown on the record plat of this property. Therefore, easements, agreements, and other documents may exist that affect the subject property that are not shown on this replat.
2. Basis of bearing: State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.
3. 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 permits.
4. The purpose of this replat is to subdivide the property and dedicate easements for development.

LEGEND	
○	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SEI BASELINE" SET, UNLESS OTHERWISE NOTED
IRF	IRON ROD FOUND
CIRF	CAPPED IRON ROD FOUND
CM	CONTROL MONUMENT
Esmt.	EASEMENT
Util.	UTILITY
(BTP)	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
BL	BUILDING LINE
⊗	BLOCK DESIGNATION
DRCCT	DEED RECORDS, COLLIN COUNTY, TEXAS
PRCCT	PLAT RECORDS, COLLIN COUNTY, TEXAS

CERTIFICATE OF PLAT APPROVAL

APPROVED on this the _____ day of _____, 2021, by the City Council, City of Anna, Texas.

_____
Mayor

_____
City Secretary

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Dist.
C1	39.27'	25.00'	90°00'00"	N 51°12'36" E	35.35'
C2	84.82'	54.00'	90°00'00"	S 43°56'01" E	76.37'
C3	17.71'	30.00'	33°48'51"	S 15°50'26" E	17.45'
C4	17.71'	30.00'	33°48'51"	S 15°50'27" E	17.45'
C5	59.41'	40.00'	85°05'38"	N 48°45'26" E	54.10'
C6	47.12'	30.00'	90°00'00"	S 43°56'01" E	42.43'
C7	31.87'	54.00'	33°48'51"	S 15°50'26" E	31.41'
C8	17.81'	30.00'	34°00'31"	S 15°44'27" E	17.55'
C9	47.83'	30.00'	91°20'54"	S 46°56'26" W	42.92'
C10	46.25'	30.00'	88°19'43"	S 43°13'16" E	41.80'
C11	9.66'	25.00'	22°08'25"	S 72°43'13" E	9.60'
C12	9.67'	25.00'	22°09'54"	S 85°07'39" W	9.61'

Line Table		
Line #	Bearing	Distance
L1	S 83°47'24" E	5.77'
L2	N 06°12'36" E	38.56'
L3	S 88°56'00" E	358.43'
L4	S 01°03'59" W	8.25'
L5	S 32°44'52" E	22.24'
L6	S 01°03'59" W	4.97'
L7	S 83°47'24" E	54.76'
L8	N 06°13'20" E	45.05'
L9	S 88°56'01" E	299.88'
L10	S 01°03'59" W	8.25'
L11	S 32°44'52" E	6.98'
L12	S 01°15'59" W	121.52'
L13	N 87°23'06" W	141.33'
L14	S 01°15'59" W	24.00'
L15	S 87°23'16" E	134.39'
L16	S 00°56'35" W	11.39'
L17	N 87°31'16" E	78.04'
L18	N 01°18'30" E	15.01'
L19	S 87°08'15" E	119.98'
L20	S 01°15'59" W	15.01'
L21	N 87°08'15" W	119.99'

APPROVED
DECEMBER 14, 2021
CITY COUNCIL
CITY OF ANNA

APPROVED
DECEMBER 6, 2021
P&Z COMMISSION
CITY OF ANNA

REPLAT

AVERY POINTE COMMERCIAL

LOTS 1R, 2R AND 3, BLOCK A
BEING A REPLAT OF LOT 1R & LOT 2, BLOCK A
AVERY POINTE COMMERCIAL
IN THE F. DUFFAU SURVEY, ABSTRACT NO. 288
CITY OF ANNA, COLLIN COUNTY, TEXAS
EXISTING ZONING: PD-C

EXHIBIT 1

OWNER / APPLICANT
Anna 455 Commercial LLC
10950 Research Rd.
Frisco, Texas 75034
Telephone (214) 387-3093
Contact: Clint Richardson

OWNER / APPLICANT
Retail Buildings, Inc.
3000 NE 63rd Street
Oklahoma City, Oklahoma 73121
Telephone (405) 620-7223
Contact: Kelly Foran

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPELS No. F-2121 and No. F-10043100
Contact: David Bond

Scale: 1" = 40' 11/8/21 SEI Job No. 21-256

Drawing: G:\2021 JOBS\21-256 Avery Pointe\SURVEY\PRCCT-21-256 Replat.dwg Saved By: EBerry10 Save Time: 11/19/2021 10:09:22 AM
Plotted by: EBerry10 Plot Date: 11/19/2021 10:08 AM

Received 11/30/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

Please see the attached email statement on my opposition of the storage facility

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

Jessica Hurley
Name (Please Print)

Signature

1701 Avery Pointe Dr. Anna 75409
Address

November 22, 2021
Date

Attachment is the same as the email received 11/15/2021
Planning & Development

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 11/15/2021
Planning & Development
1 of 2

Lauren Mecke

From: Ross Altobelli
Sent: Monday, November 15, 2021 8:12 AM
To: Lauren Mecke
Subject: FW: PROPOSED mini self storage in front of Avery Pointe Community

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

THE CITY OF Anna

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: Jessica Hurley
Sent: Saturday, November 13, 2021 12:24 AM
To: Nate Pike <npike@annatexas.gov>; Jim Proce <jproce@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>; Ross Altobelli <raltobelli@annatexas.gov>; Council <Council@annatexas.gov>; Kevin Toten <ktoten@annatexas.gov>; Josh Vollmer <jvollmer@annatexas.gov>; Stan Carver <scarver@annatexas.gov>; Randy Atchley <ratchley@annatexas.gov>; Danny Ussery <dussery@annatexas.gov>; Lee Miller <lmiller@annatexas.gov>
Subject: PROPOSED mini self storage in front of Avery Pointe Community

Good evening all. I am writing to express that I am STRONGLY opposed to having a storage facility erected in front of the Avery Pointe Community.
There are various reasons as to why I am opposed to them and I will list and explain them below.
Thank you for taking a few mins out of your day to read and consider my facts, feelings, and opinions.
#1 HOT SPOT FOR CRIME AND ILLICIT ACTIVITY
#2 INCREASE IN TRASH, DEBRIS, TRAFFIC, RODENTS and UNWANTED PESTS
#3 EYESORE AND WILL LOWER PROPERTY VALUES
#4 WE ALREADY HAVE A STORAGE UNIT LESS THAN A MILE AWAY

HOT SPOT FOR CRIME, Storage units are NOTORIOUS for being a hotbed for various types of crime. Drugs, Drug manufacturing, distribution. Assault, murder, sexual assault. Human trafficking, child molestation. Theft, B&E's of houses and cars in the near areas. We are already seeing an uptick in criminal activity as we are growing, another storage unit in a RESIDENTIAL area would only add to that. High-crime areas deter people from wanting to move here and invite criminals and illegal activity.

INCREASE IN TRASH, DEBRIS, RODENTS, and UNWANTED PESTS- I feel this is pretty self-explanatory.

TRAFFIC is already becoming an issue with the new car wash add in the Dollar Tree and the upcoming expansion of the community at the end of Ferguson. This facility will only lead to more accidents and casualties, Vehicle V Vehicle, and Vehicle V pedestrian.

EYESORE, DECREASE PROPERTY VALUES. When you google storage units in any area in the USA they are typically in

Received 11/15/2021
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rundown, high crime areas. That is NOT what YOU or I moved here for.
With increased crime and unappealing buildings and venues come decreased property values. We came here to raise our family and grow with Anna, we were sold on all the visions that Anna had shared with the community for its future. We purchased our very first house here and now we are risking our investment with this proposed storage facility.

WE ALREADY HAVE A STORAGE UNIT LESS THAN A MILE AWAY and *AT LEAST* 5 others in Anna, Do we *REALLY* need another storage facility, let alone one right in the middle of a residential community?

What doesn't make sense to me is, we are adding in an 800 MILLION dollar community just down the road from the proposed area, a storage facility is pretty undesirable and unappealing. I just don't see how the facility would complement the current and future landscape.
We should leave that area alone, for now, more businesses are coming in all the time. Anna would be better suited for a sit-down restaurant or retail spaces for more tax revenue and options for the city and its residents.

How are we selling a vision of Anna and it's beauty, warm welcomes, and sustainability?
Y'all said it best "**Keep Anna Beautiful**", PLEASE DON'T GO" **spoiling our views and decreasing our property values** " *https://www.annatexas.gov/1219/Keep-Anna-Beautiful*

PLEASE VOT
E NO TO THIS- When you are casting your vote, ask yourself-
Would you want this storage unit in front of your house, decreasing your property value and quality of life?
Are you okay with all of the crime, drugs, and illegal weapons traffic this would welcome?
Do you feel safe with your children playing outside of this facility with their friends without supervision?

If you answered or even thought NO- Then PLEASE VOTE NO for your children/grandchildren and mine!
--
Slàinte Mhath
Jessica Hurley

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Received 1/4/2022
Planning & Development

From: Ross Altobelli
Sent: Tuesday, January 4, 2022 7:58 AM
To: Lauren Mecke
Subject: FW: Anna Self Storage.

From: Jessica Hurley
Date: January 3, 2022 at 9:43:43 PM CST
To: Danny Ussery <dussery@annatexas.gov>, Randy Atchley <ratchley@annatexas.gov>, Stan Carver <scarver@annatexas.gov>, Josh Vollmer <jvollmer@annatexas.gov>, Council <Council@annatexas.gov>, Kevin Toten <ktoten@annatexas.gov>, Ryan Henderson <rhenderson@annatexas.gov>, Nate Pike <npike@annatexas.gov>, Jim Proce <jproce@annatexas.gov>
Subject: Anna Self Storage.

Good evening, my name is Jessica Hurley and I'm a resident of Anna, living in Avery Pointe Estates.
I'm addressing you all regarding the special use permit for the storage facility that would like to be built at White and Ferguson.
I first want to bring to your attention to the Anna 2050 Comprehensive Plan which lays out the future plans for Anna. The current zoning for the lot in question is community commercial, as defined by the place type descriptions.
Within that place type description, it lays out a description of the vision for that specific zoning area.

Community commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, community commercial developments primarily provide services for residents of surrounding neighborhoods. Business types may include restaurants, local retail, medical offices, banks, and other retail services.
I want to reread a few key points in that description- **SMALL, freestanding buildings containing one or more businesses**. **Business types may include restaurants, local retail, banks, and services**.
The supporting photos show two banks and a doctor's office.
The description nor the photos mention or show a storage facility as being part of the vision they had the in Community Commercial zoning area.

When looking at the guiding principles of the Anna 2050 plan, it states Today's leaders in Anna want the community to grow but they want the kind of growth that will benefit Anna's current and future residents.
There are 12 guidelines they set for the desirable growth
I will be speaking on

Guideline #7
Includes businesses that serve and provide high-quality jobs to Anna's residents, that expand the tax base, and that establish Anna as an important long-term employment center for the DFW region.
This will not bring more than MAYBE 4 jobs to Anna; the developer has already stated that this facility will not be manned 24hrs a day so there will not be night shift needs.
This will not expand our tax base as much as other businesses WITHIN the COMMUNITY COMMERCIAL (CC) zoning plan would.
This will not be an important and long-term employment center within Anna or the DFW region.

Received 1/4/2022
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Guideline # 8

Makes Anna an education and training hub for people in Anna and the surrounding region.

Again, this facility will only bring roughly 4 jobs to Anna and the surrounding areas, not nearly significant enough to be a training hub.

Guideline #9

Promotes the health and vitality of existing Anna neighbors, neighborhoods, businesses and infrastructure.

This facility will harm the health and vitality of Anna and its residents, businesses and infrastructure.

Harming neighbors- by erecting this 2-story facility right against the yards of some of the neighbors of Avery Pointe Estates, harming their property value and affecting their quality of life and safety.

Harming our Neighborhoods- decreasing the overall property value of the area and the desirability of the current and future housing communities. Taking away our safety and enjoyment of our amenities center and pool with our families.

Harming our existing and future businesses- I have spoken to many storage facilities in our immediate area and they have said that the approval of this permit and the building of this storage facility will directly and quickly affect their businesses and livelihoods. Remove jobs already in place here in Anna and possibly even force them to close their doors and move their families out of Anna.

Harming Infrastructure- You remove all viable possibilities for future expansion and bringing in new businesses and EXPANDING the tax base the way it was intended within the 2050 plan. This storage unit will not generate as much tax revenue as other and or multiple businesses that fit the intended zoning plan for the community commercial space. This facility will become stagnant, storage is the first thing people cut from their budgets. We need to be smart with how we hold to the plans and vision of the 2050 plan and opt for more recession-proof, tax generating businesses such as restaurants, retail, and services, vets, doctors/specialists, pharmacies, etc.

We are in desperate need of options, we should be adding variety without taking from the current and existing businesses.

We can only build so much before we're out of space and in such a booming city like Anna we need to be wise and stick closely to the guidelines and vision set forth by the 2050 Comprehensive Plan for the good of Anna and it's past, present and future residents.

BEFORE you vote, I hope my facts ring in your ears, and BEFORE you say you don't have a choice, recognize that you do this time, because this permit, building, and business does not adhere to the vision set forth by the Anna 2050 Comprehensive Plan.

I and my fellow neighbors look forward to meeting with you all on the 11th

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Thank you for your time!

COMMUNITY COMMERCIAL (CC)

Character & Intent

Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, Community Commercial developments primarily provide services for residents of surrounding neighborhoods. Business types may include restaurants, local retail, medical offices, banks and other retail and services.

Land Use Considerations

Primary Land Use
Retail and Commercial

Secondary Land Use

- Civic and institutional uses
- Indicators & Assumptions
- Lot Size (Range) N/A
- Typically 5 acres or less; 1 or 2 stories

Doctor

Bank

Bank

Kimley»Horn

Received 1/4/2022
Planning & Development
4 of 5

ANNA 2050 GUIDING PRINCIPLES

Today's leaders in Anna want the community to grow. But they want growth that benefits Anna's current and future neighbors. This desirable growth:

- Occurs where and when it can be supported by the public facilities and services provided by the City of Anna and by other public entities (including Collin County and Anna ISD) that Anna's neighbors need.
- Maintains a healthy balance between old and new, and between residential and non-residential uses.
- Builds on Anna's heritage and history as the foundation of a unique 21st century identity.
- Offers many diverse, vibrant and distinctive destinations for work and play.
- Attracts and keeps neighbors who are multi-cultural and multi-generational and provides housing choices for people from a variety of backgrounds, income levels and stages of life.
- Creates a community with strong communication, shared core values and connection between neighbors, as well as effective communication between neighbors and the City government.
- Includes businesses that serve and provide high-quality jobs to Anna's residents, that expand the tax base and that establish Anna as an important long-term employment center for the DFW region.
- Makes Anna an education and training hub for people in Anna and the surrounding region.
- Promotes the health and vitality of existing Anna neighbors, neighborhoods, businesses and infrastructure.
- Provides neighbors with a range of flexible, practical and appropriate mobility choices to their destinations using all modes of travel (car, bike, walk, transit, and others).
- Is resilient and adaptable in response to change and innovation, and responsive in times of emergency or disaster.
- Is efficient and effective in its use of resources and infrastructure – fiscal, energy, water and natural assets.

Received 1/4/2022
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PLACETYPE DESCRIPTIONS

PlaceTypes are the "color palette" used to represent the different sorts of places that could exist in the Anna community of the future. They communicate what's important. Instead of referencing a single land use, they describe the character of the place and the quality of the place to be created—the mix of land uses, scale, how a pedestrian would experience the area and other aspects. This approach also gives the community more flexibility in addressing development proposals for specific properties and in responding to changing market conditions.

The fifteen PlaceTypes below were used in the Alternatives Analysis phase of this process. They are used here to depict the general Preferred Scenario for future growth. In addition, they will be used at a smaller scale in the Future Land Use element and other Anna 2050 Plan components to show a more specific level of detail about appropriate future development. Each of these potential PlaceTypes is summarized in the chart below. The details of each PlaceType are provided in the Future Land Use Strategy, found in Chapter 3. Each PlaceType is represented by a set of characteristics, including the name, tile color and abbreviation, a brief description, a discussion of primary and secondary land uses and development densities and supporting images.

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Received 11/15/2021
Planning & Development

Lauren Mecke

From: Ross Altobelli
Sent: Monday, November 15, 2021 8:12 AM
To: Lauren Mecke
Subject: FW: Concerns over Storage Facility Proposal near Avery Pointe

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

THE CITY OF Anna

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: Anne Norment
Sent: Saturday, November 13, 2021 9:35 AM
To: Council <Council@annatexas.gov>; Lee Norment <lee.t.norment@gmail.com>; Jim Proce <jproce@annatexas.gov>; Nate Pike <npike@annatexas.gov>; Ross Altobelli <raltobelli@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>
Subject: Concerns over Storage Facility Proposal near Avery Pointe

Good morning.

Thank you all for your time reading my email of concerns over the proposed storage facility outside of Avery Pointe Estates.

My concerns over this proposal are as follows:

1) property value- as one of the homes bordering the land, I foresee a drastic drop in my home's value with the addition of a storage facility as a "backyard neighbor". It will cost my family, and many others, tens of thousands of dollars upon sale of their home, while making their homes less enjoyable in the meantime. Which leads me to my next point:

2) Disturbances - as a self-storage facility, there will likely be lights and noise throughout the night. Directly bordering a neighborhood is a poor location choice for any 24 hour facility.

3) Safety - as the sister of a police officer, I know that self-storage facilities are very common attractors of crime. Anna is a safe and beautiful city. That is why we chose this location in which to grow and raise our family, which currently consists of me, my husband, our 3 year old and 1 year old. The addition of more storage facilities will change the level of safety over time and the fact that it would be right behind our home means it would change for us the quickest.

I implore you to keep Anna beautiful, peaceful, and safe by rejecting the proposal of a storage facility at the corner of White St and Ferguson.

Thank you for your time and consideration.
Anne and Lee Norment and children

Received 11/23/2021
Planning & Development

From: Anne Norment
To: Lauren Mecke
Subject: Zoning Response
Date: Sunday, November 21, 2021 11:00:21 AM

Good morning.

Please find attached our response regarding the zoning proposition for the lot at the corner of White Street and Ferguson. For your convenience and increased legibility, I will type out our comments below:

We, as owners of lot 63, 1341 Timberfalls Drive, are opposed to the intended use of lots 1R and 3 on the grounds of health, safety, and welfare. A self-storage/mini-warehouse will impact our property values, costing us tens of thousands of dollars upon sale of our home. The 24/7 lights, noise, and debris will create an uncomfortable environment in the meantime. A storage facility will also attract crime, making our home unsafe for us and our young children. We approve of the proposed changes to lot 2R and would like to propose those changes to all 3 zones.

Thank you,
Anne and Lee Norment
1341 Timberfalls Drive

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

We, as owners of Lot 63 1341 Timberfalls Drive opposed to the intended use of lots 1R and 3 on the grounds of health, safety and welfare. A self-storage/mini-warehouse will impact our property values, costing us tens of thousands of dollars upon sale of our home. The 24/7 lights, noise, and debris will create an uncomfortable environment in the meantime. A storage facility will also attract crime, making our home unsafe for us and our young children. We approve of the proposed changes to lot 2R and would like to propose those changes to all 3 zones.

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

Anne Norment
Name (Please Print)

Lee Norment
Signature

1341 Timberfalls Drive
Address

11/21/2021
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Avery Pointe Commercial, Block A, Lots 2R & 3 12/08/2021

Received 11/15/2021
Planning & Development

From: Ross Altobelli
Sent: Monday, November 15, 2021 8:12 AM
To: Lauren Mecke
Subject: FW: Mini Storage

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

THE CITY OF Anna

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: Amanda Leal
Sent: Saturday, November 13, 2021 10:07 AM
To: Nate Pike <npike@annatexas.gov>; Jim Proce <jproce@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>; Council <Council@annatexas.gov>; Ross Altobelli <raltobelli@annatexas.gov>
Subject: Mini Storage

Hello,

I am writing you regarding the proposed Mini Self Store project, to be built immediately adjacent to Avery Pointe East. I am greatly concerned about property value and the safety concerns that a self-storage facility brings. Other immediate concerns include general appearance, noise, the traffic load on Ferguson, hours of operation, night lighting, criminal activity, and illicit drug sales. As a mother of 2 young children safety at and around our home is my #1 priority and the reason we chose to move to Anna and buy a home in this community. I would be very disappointed if I would have to consider not enjoying an evening walk, dinner or days at the pool due to a self-storage being so close us. Please reconsider approving this self-storage project next to a community causing families to worry for theirs and their family's safety because of it.

Thank you,
Amanda Leal
Avery Pointe Estates Homeowner

Received 12/14/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I am greatly concerned about property value and the safety concerns that a self-storage facility brings. Other immediate concerns include general appearance, noise, the traffic load on Ferguson, hours of operation, night lighting, criminal activity, and illicit drug sales. As a mother of 2 young children safety at and around our home is my #1 priority and the reason we chose to move to Anna and buy a home in this community. I would be very disappointed if I would have to consider not enjoying an evening walk, dinner or days at the pool due to a self-storage being so close us. Please reconsider approving this self-storage project next to a community causing families to worry for theirs and their family's safety because of it.

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

Amanda Leal
Name (Please Print)

Amanda Leal
Signature

112 Hayes Dr
Address

12/14/2021
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 11/15/2021
Planning & Development

Lauren Mecke

From: Ross Altobelli
Sent: Monday, November 15, 2021 8:13 AM
To: Lauren Mecke
Subject: FW: Proposed Mini Self Storage in front of Avery Pointe

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

THE CITY OF Anna

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: Tara Ebbinghaus
Sent: Saturday, November 13, 2021 11:27 AM
To: Nate Pike <npike@annatexas.gov>; Jim Proce <jproce@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>; Council <Council@annatexas.gov>; Ross Altobelli <raltobelli@annatexas.gov>
Subject: Proposed Mini Self Storage in front of Avery Pointe

Good Morning,

I am writing you today in regards to the proposed storage facility in front of the Avery Pointe Community. As an Avery Pointe resident, I am **strongly against** having this facility in front of the neighborhood I live in. There are various reasons as to why I am opposed to this proposed development:

1. Hot Spot for Crime - Storage units are known for being a hotbed for various types of crime due to security being limited to cameras. Theft, drugs, assault and murder are just a few of the types of crime we would be inviting so close to our neighborhood.
2. Traffic - As Anna continues to grow, traveling in and out of Anna, especially during peak times, is already challenging. And with the announcement of the new development and shops directly behind Avery Pointe, the new Dollar Tree, car wash and various mini malls being built on 455, traffic is already going to increase significantly.
3. Decrease in Property Value - Storage facilities aren't typically very eye appealing and this facility would be at the entrance of our development. I'm concerned that the home we bought here, the investment we made in our future and in Anna is in jeopardy.
4. Need - When I google storage units in Anna, there are 6 within 5 miles of my home. Is this really what Anna residents need? And right in front a family friendly, quiet neighborhood?

My husband and I have lived in Anna for 8 years, we built our first home here, because we were excited to see Anna grow. We bought in on the vision of Anna becoming the "next Frisco" and while there have been many exciting developments in this town, this proposed storage facility isn't one of them. There has to be a better option for this land.

Received 11/15/2021
Planning & Development
2 of 2

When this proposal comes up for a vote, I implore you to vote **No**, not only for the residents of Avery Pointe, but for all of Anna. I understand development is part of this town growing but shouldn't it be something Anna residents are excited about? Please don't develop just for development sake.

Thank you for taking the time to read my email and for all you do to make Anna better.

Tara Ebbinghaus
Avery Pointe Resident

Sent from my iPhone

Received 11/15/2021
Planning & Development
1 of 2

Lauren Mecke

From: Ross Altobelli
Sent: Monday, November 15, 2021 8:14 AM
To: Lauren Mecke
Subject: FW: The proposed Mini Self Store project

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

THE CITY OF Anna

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: Rachel H
Sent: Sunday, November 14, 2021 5:29 PM
To: Nate Pike <npike@annatexas.gov>; Jim Proce <jproce@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>
Cc: Council <Council@annatexas.gov>; Ross Altobelli <raltobelli@annatexas.gov>
Subject: The proposed Mini Self Store project

Good evening!
I am writing to express that I am STRONGLY opposed to having a storage facility erected in front of the Avery Pointe Community.
I have numerous reasons as to why I am opposed to them and I will list and explain them below.

1. HOTSPOT FOR CRIME AND ILLICIT ACTIVITY
2. EYESORE AND WILL LOWER PROPERTY VALUES
3. **Storage units are NOTORIOUS for being a hotbed for various types of crime.** Drugs, Drug manufacturing, distribution. Assault, murder, sexual assault. Human trafficking, child molestation. Theft, B&E's of houses and cars in the near areas. We are already seeing an uptick in criminal activity as we are growing, another storage unit in a RESIDENTIAL area would only add to that. High-crime areas deter people from wanting to move here and invite criminals and illegal activity.
4. INCREASE IN TRASH, DEBRIS, RODENTS, and UNWANTED PESTS- I feel this is pretty self-explanatory.
5. LACK OF PRIVACY FOR THOSE WHO ARE THE NEAREST TO THE STORAGE PROPERTY. This property will literally be in their backyard and well as in the direct view of residence utilizing the neighborhood pool.

Received 11/15/2021
Planning & Development
2 of 2

6. WE ALREADY HAVE AN EXISTING STORAGE UNIT THAT IS IN A REASONABLE DISTANCE AND AREA. The drive to the current storage location is within reasonable distance for most Anna residents. If anything there needs to be another storage unit it needs to exist along the highway next to Walmart.
7. INCREASED TRAFFIC AND ACCESS ISSUES ALONG WHITE STREET. We already are having issues with traffic flow around the city, this would add to the compounding issue and stress we already deal with. Traffic is already becoming an issue with the new car wash add in the Dollar Tree and the upcoming expansion of the community at the end of Ferguson. This facility will only lead to more accidents and casualties, Vehicle V Vehicle, and Vehicle V pedestrian.
8. PROPERTY VALUES. When you google storage units in any area in the USA they are typically in rundown, high crime areas. That is NOT what YOU or I moved here for. With increased crime and unappealing buildings and venues come decreased property values. We came here to raise our family and grow with Anna, we were sold on all the visions that Anna had shared with the community for its future.
9. NOT A GOOD REVENUE CALL. I can't imagine this bringing that much more revenue to the city at all. It can only hold so many units anyway, therefore causing the city to have yet another space that is not of much utilization. Anna already has quite a bit of under utilized real estate that has yet to be repurposed.
10. THERE ARE SO MANY OTHER THINGS THE CITY OF ANNA NEEDS. We so desperately need another grocer, pharmacy and urgent care. With so many people moving to Anna and the surrounding areas, we need a better and sustainable supply of the bare necessities even in the nation's current climate.

I hope that you hear me and my fellow residents in our outcry of concern for this project. We all want what's best for our city and want to continue to live in a safe and beautiful city.
I appreciate the time you have taken to read this email and I hope that you all will take these issues into consideration.

Thank you,
Rachel Hamilton

Received 12/02/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I oppose the storage unit to be built for the following reasons:

The attraction of crime and other nefarious activities.

The creation and source of pollution to nearby areas especially our neighborhood.

The fact that it will cause more congestion in traffic in the area.

The fact that the store unit is not a needed due to the fact there is one down the street.

Also, the there many other locations that would be better suitable that this area.

Lastly, Anna could use many other retail or restaurants in the area rather than a storage unit.

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

Rachel Hamilton
Name (Please Print)

Rachel Hamilton
Signature

308 Copperswitch Drive
Address

12/2/2021
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 11/15/2021
Planning & Development
1 of 2

Lauren Mecke

From: Ross Altobelli
Sent: Monday, November 15, 2021 8:17 AM
To: Lauren Mecke
Subject: FW: Development of vacant land at White Street and Ferguson Parkway

Ross Altobelli
Director of Development Services
City of Anna, Texas
Office: 972-924-2616

THE CITY OF Anna

Visit: *AnnaTexas.gov*. Like us on *Facebook*.

From: William Brush
Sent: Sunday, November 14, 2021 10:40 PM
To: Nate Pike <npike@annatexas.gov>; Jim Proce <jproce@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>; Ross Altobelli <raltobelli@annatexas.gov>; Kevin Toten <ktoten@annatexas.gov>; Stan Carver <scarver@annatexas.gov>; Randy Atchley <ratchley@annatexas.gov>; Danny Ussery <dussery@annatexas.gov>
Subject: Development of vacant land at White Street and Ferguson Parkway

Gentlemen,

The good people of Anna have elected or employed you to guide the City through this very turbulent development phase of the City's history. It would be great if you could simply jump into the DeLorean and skip forward 10, 15 or 20 years to see if your decisions worked out as intended. Unfortunately, that isn't possible so, you will have to rely on your instincts that have served the City so well to this juncture.

I am writing regarding a developer's proposal to build a two-story, Mini Self Store complex at the subject location. The intersection of White and Ferguson represents the Western approach to Downtown Anna, the entrance to Avery Pointe Estates and the soon to be started Annacapri Megatel Improvement District to the North, Sue Evelyn Rattan Elementary School, Oak Hollow and Lakeview Estates to the South. Given the extension of Ferguson Parkway North to Rosamond Parkway and, ultimately, South to Outer Loop Road, it could be argued that this intersection will become a major crossroad within the City.

The question is how should the vacant land at this crossroad be used? What do commuters want to see on their transit through the City? What type of commercial enterprises would the local residents want to visit and support? How is the City best served by the development of this land?

In my mind, a two-story Mini Self Store facility is not the answer. The negatives of this type of establishment far outweigh the positives. Major concerns would be general appearance, garbage and debris management, vermin, hours of operation, noise, night lighting and acting as a magnet for criminal activity such as the sales

Received 11/15/2021
Planning & Development
2 of 2

of illicit drugs, stolen property, etc. There have to be other location options within Anna City limits for this type of business.

A far better use of this area would be retail shops, coffee shops, cafes and restaurants. These types of businesses improve the community way of life and increase area property values.

Please fulfill your commitment to enhance the livability of our great and growing City for the benefit of all residents.

Respectfully submitted,

William Brush
1330 Crossvine Drive

Received 11/16/2021
Planning & Development
1 of 2

From: Kimberly Winarski
Sent: Tuesday, November 16, 2021 3:29 PM
To: Ross Altobelli; Lauren Mecke
Subject: FW: Online Form Submittal: Contact Us

Hi Ross and Lauren,

Please see below.

Sincerely,
Kimberly Winarski

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, November 16, 2021 3:28 PM
To: Kimberly Winarski <kwinarski@annatexas.gov>; Ryan Henderson <rhenderson@annatexas.gov>
Subject: Online Form Submittal: Contact Us

If you are having problems viewing this HTML email, click to view a Text version.

Contact Us

Contact Information

Please complete the online form below to submit your questions / comments. This form is monitored during business hours. If you would like to contact us by phone, you may call (972) 924-3325. If this is an After Hours Utility/Water Emergency please call 214-585-7725. If this is a Life emergency dial 911.

Name:*	Julia Gilsdorf Ramirez		
Address:*	1905 RUSTIC DRIVE		
City:*	PLANO		
State:*	TX	Zip Code:*	75075
Phone Number:*	9729853887		
Email Address:*			

Questions or Comments

Please select the department(s) you wish to contact:*

- [X] City Manager
- [ ] City Secretary
- [ ] Code Compliance
- [ ] Communications
- [ ] Economic Development
- [ ] Finance Department
- [ ] Fire Department
- [ ] Human Resources
- [ ] Municipal Court
- [ ] Neighborhood Services
- [ ] Parks and Recreation
- [X] Planning and Development
- [ ] Police Department
- [ ] Public Works
- [ ] Trash and Recycling
- [ ] Utility Billing

Please provide details to your questions / comment below:*

My husband and I are in the final stages of purchasing a new house in Anna. We have lived in Plano for many years, and are looking forward to our new home and community. But, we are very disappointed to find out that a 2-story self storage facility has been proposed for the corner of Furguson and White streets. This would be a terrible eyesore for the city, and extremely detrimental to the nearby neighborhoods. In fact, it would certainly deter us from continuing our plans to leave well-planned Plano for "haphazard" Anna. In order to make Anna the prosperous city it has all the potential to be, the government must consider long term consequences and the wishes of the people. Thank you

Received 11/16/2021
Planning & Development
2 of 2

* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:
http://www.annatexas.gov/Admin/FormHistory.aspx?SID=4843

The following form was submitted via your website: Contact Us

Name:: Julia Gilsdorf Ramirez

Address:: 1905 RUSTIC DRIVE

City:: PLANO

State:: TX

Zip Code:: 75075

Phone Number:: 9729853887

Email Address::

Please select the department(s) you wish to contact:: City Manager,Planning and Development

Please provide details to your questions / comment below:: My husband and I are in the final stages of purchasing a new house in Anna. We have lived in Plano for many years, and are looking forward to our new home and community. But, we are very disappointed to find out that a 2-story self storage facility has been proposed for the corner of Furguson and White streets. This would be a terrible eyesore for the city, and extremely detrimental to the nearby neighborhoods. In fact, it would certainly deter us from continuing our plans to leave well-planned Plano for "haphazard" Anna. In order to make Anna the prosperous city it has all the potential to be, the government must consider long term consequences and the wishes of the people. Thank you

Additional Information:
Form submitted on: 11/16/2021 3:27:53 PM
Submitted from IP Address: 47.186.4.63
Referrer Page: https://www.annatexas.gov/891/Planning-and-Zoning-Commission
Form Address: http://www.annatexas.gov/Forms.aspx?FID=41

Received 11/30/2021
Planning & Development
1 of 4

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

- Criminal activity will increase bc of lack of staff, poor lighting and security. ie drugs, theft and assault.
- Noise levels will exceed because of people moving things at all times day/night
- Home values will lower

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

Jen Simmons
Name (Please Print)

Signature

516 Westpark Dr
Address

11-29-21
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Avery Pointe Commercial, Block A, Lots 2R & 3 12/06/2021

Received 11/30/2021
Planning & Development
2 of 4

THE CITY OF
Anna

Please circle one:

In favor of request Neutral to request Opposed to request

Comments:

I agree with the sentiments of the included letter to oppose.

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

James Simmons
Name (Please Print)

Signature

516 Westgate DR
Address

11-29-21
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Avery Polaris Commercial, Block A, Lots 29 & 3 12/06/2021

Received 11/30/2021
Planning & Development
3 of 4

Hello,

We hope this email finds you well.

We are writing this in regards to the recent proposal of the mini storage facility.

It has been discussed that the storage facility is proposed to be placed in area by the front of our housing addition, Avery Pointe Estates. We would like to provide the reasoning behind why we do not want this facility placed by our community and how it would negatively impact the city/area.

Coming from someone who currently works in the security industry, we do not want a mini storage unit in the proposed area due to the following reasons associated with self-storage facilities,

Criminal activity will greatly increase due to the nature of the facility, lack of staff, poor lighting, lack of maintenance, and security. i.e. drugs, theft, burglary, and assault.
Rodents and insects will be more prominent. This is associated with ALL storage facilities.
Not everyone is as clean as we would prefer.
Noise levels will exceed the present levels due to the hours of the storage facilities operation.
People often move things all hours of the day/night.
Garbage and other waste or debris will be left by dumpsters and trash bins.
Home values will lower due to the above listed items.

What are the statistics or information that backs up the above statements? Please see below.

Per ABC News: Denver, CO storage units experience as many as 1 crime such as burglary or assault every 2 months. This was reported for the year of 2020.
Per Wichita Falls, TX PD: Self-storage units or businesses provide a unique target for criminals due to the items that are often stored there. Additionally, criminal conduct can go unnoticed due to low traffic within the storage area.
Per Houston, TX PD: Self-storage units are often a haven for criminals and are reported to be the #1 cause of burglaries. Just from 2010-2013 there were 34 break-ins reported.
Per Arlington, TX PD: Two people burglarized a storage facility during the hours

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Per Arlington, TX PD: Two people burglarized a storage facility during the hours of 12:30 PM-1:30 PM In April of 2021.
Per Dallas, TX PD: In December of 2014 three individuals burglarized 155 storage units around midnight.
Per Houston, TX PD: In March of 2021 a female teenager was kidnapped and held captive in a storage unit for 5 days. She was also sexually assaulted during the incident. This case is possibly associated with the human trafficking ring in Houston.

The above are just a few reports or incidents that have occurred among thousands. It's not just nighttime that storage facilities bring in criminals. It's all hours of the night and day that these incidents occur. This is an issue in every state and every city. Who is to say these criminals won't move on to the nearby homes or vehicles parked in our community? This is a major safety concern not only for our family, but for all people in the community and city.

There are far better options for the land and far better areas for a storage facility to be placed. i.e. away from families, schools, and homes!

Examples of things that would benefit the community and city are listed as follows,

YMCA or Gym
Community Library
Retail Shops
Restaurants
Coffee Shops
Community Garden
Community Park
Community Dog Park
Community Food Truck Yard
Grocery Store
Hardware Store
Movie Theater
Health Clinic

In closing, we urge you to please review the hardships and issues that the storage facility could cause in the future. We implore you to reconsider the proposed and commit to enhance our city.

Received 11/30/2021
Planning & Development

From: Skylar Maple
To: Lauren Mecke
Subject: Zoning Response - Avery Pointe Homeowner
Date: Monday, November 22, 2021 11:47:00 PM

I hope this email finds you well,

I would like to let the City of Anna know that my household is NOT in favor of the purposed Storage Unit. This is to be built on S. Ferguson and White St.. It will not add to our life here in Anna; there is another storage unit down the street. This land should be used for a retail business in order to bring value to the land and property around it. I would also imagine that a Storage Unit means bright security lights in my front windows at night.

Please think about the people around this land and the value that it could provide the city and add property value for the residents.

If there is a form I need to fill out, please let me know.

Thank you,

Skylar Maple

Received 11/30/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request X

Comments:

I am against the addition of the storage unit. As a resident of the Avery pointe community, I would hate to see such a dangerous business put in the front of our neighborhood. Not to mention one of the more busy intersections, which includes traffic from 7-11 and brookshires, which both would contribute to trash dumping, increase in crime and even more light pollution as well as noise throughout all hours of the night. There are many more beneficial options for this land, but a storage unit that will be ran by a third party company is not one of them. The thought of increase in crime, our neighborhood becoming less suitable to walk in the evening, and fear our something happening to our homes throughout the day as well. This also will greatly decrease the value of anyone home in the neighborhood and more than likely cause several to leave the city of Anna.

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

Aaron Kovach
Name (Please Print)

Aaron Kovach
Signature

1412 forest Haven drive
Address

11-22-2021
Date

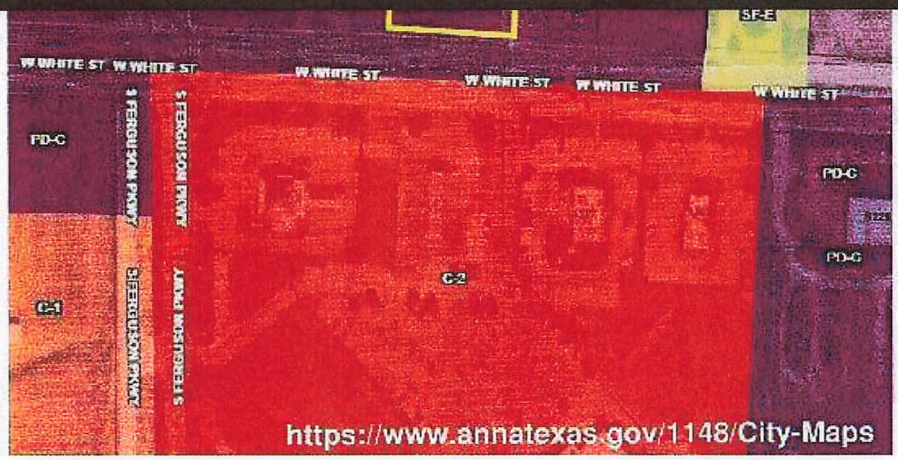
Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 11/30/2021
Planning & Development



THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request X

Comments:

I am against the addition of the storage unit. As a resident of the Avery pointe community, I would hate to see such a dangerous business put in the front of our neighborhood. Not to mention one of the more busy intersections, which includes traffic from 7-11 and brookshires, which both would contribute to trash dumping, increase in crime and even more light pollution as well as noise throughout all hours of the night. There are many more beneficial options for this land, but a storage unit that will be ran by a third party company is not one of them. The thought of increase in crime, our neighborhood becoming less suitable to walk in the evening, and fear our something happening to our homes throughout the day as well. This also will greatly decrease the value of anyone home in the neighborhood and more than likely cause several to leave the city of Anna.

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

Leecia Kovach
Name (Please Print)

Leecia Kovach
Signature

1412 forest Haven drive
Address

11-22-2021
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 11/30/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

This is a response to the Storage Unit plans for Ferguson + White. This building will be unsightly, impact property values, + cause issues in my community by increasing traffic, crime, light pollution. To all, this type of building does not fit into this community

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

Matthew R. Burns
Name (Please Print)

Signature

1301 Chapel Hill Drive
Address

11-23-2021
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

THE CITY OF
Anna

Received 12/02/2021
Planning & Development

Please circle one:

In favor of request Neutral to request Opposed to request

Comments:

I believe this storage facility will be the best option for the neighbors living next to the lot. This is a quiet option that will not be a nuisance.

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

CHARLEY EIDENIER
Name (Please Print)

Signature

506 Brook View ct Anna, TX 75409
Address

11/27/21
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 12/02/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

Concerned to potential security issues and negative impact to property value (resale value).

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

Birgitte Blackwell
Name (Please Print)

Birgitte Blackwell
Signature

416 Brook View Ct. Anna, TX 75409
Address

11/29/2021
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 12/03/2021
Planning & Development

From: Josh Cave
To: Lauren Mecke
Subject: Zoning Response - Proposed Zoning Change public hearing Dec 6th
Date: Friday, December 3, 2021 1:13:30 PM

Good day,

I am submitting an electronic response to the proposed zoning change. My name is Joshua Cave and I live at 509 Brook View Ct, Anna, TX 75409.

I support Proposal 1 to reduce the landscape requirements buffer for Lot 2R to align with the existing fire lane.

I am opposed to Proposal 2 & 3 of granting a SUP for self-storage. It does not seem to be in the strategic interests of the citizens of Anna to solicit businesses that are not locally owned and also will not employ a large number of Anna citizens relative to the square feet allocated for this business. As the proposed self-storage fails both of these criteria, I request that we deny the SUP for self-storage and grant this to another business that is either locally owned or can employ a large number of Anna citizens.

Thank you for including my feedback in the upcoming discussion.

Best Regards,
Josh

Received 12/03/2021
Planning & Development

From: Kevin Wasp
To: Lauren Mecke
Cc: Nate Pike; Jim Proce; Ryan Henderson; Council; Ross Altobelli
Subject: Zoning Response
Date: Friday, December 3, 2021 4:32:01 PM

Hello Lauren,

I am contacting you to officially provide notice that I am "opposed to request" regarding the proposed zoning change.

This location is a poor choice to allow a 35ft two story structure to be built. Storage units have notoriously been associated with criminal activity. They also are breeding grounds for illicit activities at night. https://www.sparefoot.com/self-storage/blog/4626-self-storage-crime/

There is also the consideration that this structure will be an unsightly addition to the neighborhood. Especially to the taxpaying homeowners who will live in the shadow of this two story structure.

The City of Anna has ample commercial zoned real-estate locations adjacent to the Walmart shopping center that would be far better suited for the traffic, noise pollution and access for traffic associated with storage units.

I expect the City of Anna will take into advisement my concerns. As a resident and taxpaying homeowner, I find it concerning the lack of foresight in considering this zoning change and location.

Please reconsider the proposed zoning changes and keep Anna a family friendly homeowner based city as Mayor Nate Pike has stated many times. I believe we can sustain the fast growing City of Anna while maintaining the same safety and appeal that makes Anna such a great place to live in.

Please feel free to reach out to me if you have any questions or concerns.

Best Regards,

Kevin Wasp

1408 Crescent View Dr
Anna, TX 75409
972-552-4000

Received 12/06/2021
Planning & Development
1 of 4

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments

Would love to see more restaurants and/or shops in the area. Strongly opposed to the proposed storage facility. See email we sent with statistics and benifits of putting something other than the storage unit!

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

Lauren Story
Name (Please Print)

Signature

512 Westpark Drive
Address

November 30, 2021
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Anny Pointe Commercial, Block A, Lots 2R & 3 11/06/2021

Received 12/06/2021
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THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

WOULD LOVE TO SEE MORE RESTAURANTS AND/OR SHOPS IN THE AREA. STRONGLY OPPOSED TO THE PROPOSED STORAGE FACILITY.

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

DEB (DEBRA) STORY
Name (Please Print)

Signature

512 WESTPARK DR.
Address

30NOV2021
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Avery Pointe Commercial, Block A, Lots 2R & 3 11/05/2021

Received 12/06/2021
Planning & Development

We are writing this in regards to the recent proposal of the mini storage facility.

It has been discussed that the storage facility is proposed to be placed in area by the front of our housing addition, Avery Pointe Estates. We would like to provide the reasoning behind why we do not want this facility placed by our community and how it would negatively impact the city/area.

Coming from someone who currently works in the security industry, we do not want a mini storage unit in the proposed area due to the following reasons associated with self-storage facilities,

Criminal activity will greatly increase due to the nature of the facility, lack of staff, poor lighting, lack of maintenance, and security. i.e. drugs, theft, burglary, and assault.
Rodents and insects will be more prominent. This is associated with ALL storage facilities. Not everyone is as clean as we would prefer.
Noise levels will exceed the present levels due to the hours of the storage facilities operation. People often move things all hours of the day/night.
Garbage and other waste or debris will be left by dumpsters and trash bins.
Home values will lower due to the above listed items.

What are the statistics or information that backs up the above statements? Please see below.

Per ABC News: Denver, CO storage units experience as many as 1 crime such as burglary or assault every 2 months. This was reported for the year of 2020.
Per Wichita Falls, TX PD: Self-storage units or businesses provide a unique target for criminals due to the items that are often stored there. Additionally, criminal conduct can go unnoticed due to low traffic within the storage area.
Per Houston, TX PD: Self-storage units are often a haven for criminals and are reported to be the #1 cause of burglaries. Just from 2010-2013 there were 34 break-ins reported.
Per Arlington, TX PD: Two people burglarized a storage facility during the hours of 12:30 PM-1:30 PM In April of 2021.
Per Dallas, TX PD: In December of 2014 three individuals burglarized 155 storage units around midnight.
Per Houston, TX PD: In March of 2021 a female teenager was kidnapped and held captive in a storage unit for 5 days. She was also sexually assaulted during the incident. This case is possibly associated with the human trafficking ring in Houston.

The above are just a few reports or incidents that have occurred among thousands. It's not just nighttime that storage facilities bring in criminals. It's all hours of the night and day that these incidents occur. This is an issue in every state and every city. Who is to say these criminals won't move on to the nearby homes or vehicles parked in our community? This is a major safety concern not only for our family, but for all people in the community and city.

Received 12/06/2021
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There are far better options for the land and far better areas for a storage facility to be placed. i.e. away from families, schools, and homes!

Examples of things that would benefit the community and city are listed as follows,

YMCA or Gym
Community Library
Retail Shops
Restaurants
Coffee Shops
Community Garden
Community Park
Community Dog Park
Community Food Truck Yard
Grocery Store
Hardware Store
Movie Theater
Health Clinic

In closing, we urge you to please review the hardships and issues that the storage facility could cause in the future. We implore you to reconsider the proposed and commit to enhance our city.

Kind Regards,

Deb & Lauren Story

512 Westpark Dr Anna, TX 75409

Received 12/06/2021
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I am opposed to the storage facility on the corner of 455 and Ferguson. I believe that this facility will lead to higher crime that could spill over into the Avery Point area. I think that this proposed development is bad for the area.

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

Michael J. Pratt
Name (Please Print)

Michael J Pratt
Signature

1219 Chapel Hill Drive
Address

12-6-21
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

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THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I feel that a storage facility at the main entrance of our neighborhood would cause traffic issues as well as increase the potential for crime. I am opposed to the development of the storage facility.

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

Peter Butcher
Name (Please Print)

Signature

1801 Avery Pointe Dr
Anna TX 75409
Address

12/6/2021
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Received 12/06/2021
Planning & Development

From: john pennell
To: Lauren Mecke
Subject: For the Public Record Agenda Items #20, #24(A), #24(B)
Date: Monday, December 6, 2021 1:01:01 PM

Monday
06, Dec., 2021

Ms. Mecke,

Please disseminate and include this communication where appropriate.
Thank you,

John Pennell
1515 Westfall Drive
Anna TX, 75409
816 830 1975

To:
Interested Parties.

RE: Planning and Zoning Commission Meeting
Monday, December 06, 2021

Citizen Comments:
Proposal for Mini self-storage (White and Ferguson)

1). Consent Item #20.
John Pennell is in favor of and supports the re-plat.

2). Items for Individual Consideration Item #24 (A).
John Pennell is in favor of and supports the amendment to zoning by specific use permit.

3). Items for Individual Consideration Item #24 (B).
John Pennell is in favor of and supports the Concept Plan.*
*(My opinion is: the drawing "Concept Plan Notes" notation is insufficient by itself.
The regulation of the handling of waste should be further defined in the specific use permit/agreement...
at the discretion of the City Manager, Mayor and Council.)

4). Recommendation:
John Pennell is in favor of and supports the staff recommendations.

Received 12/10/2021
Planning & Development

From: john pennell
Sent: Friday, December 10, 2021 1:11 PM
To: Ross Altobelli
Cc: Lauren Mecke; Salena Tittle; Heather Standerfer
Subject: mini-storage proposal / White and Ferguson
Attachments: Tabular Summary of Comments.pdf; Rebuttal to Comments Opposing Proposal.pdf; ITEMS TO CONSIDER FOR ADDITIONS TO THE SPECIFIC USE PERMIT.PDF

Director Altobelli,

I am writing to support the work of you and your colleagues.
You have my respect.

I am asking that this communication be widely distributed.

Please forward it City wide to all that have e-mails.

Let me be clear...
Jim's "Team" needs to know that the Director of Development Services and his staff are straight shooters and are doing a great job.
As do the people of ANNA.

I also need this communication to go to the Mayor and City Council and the Planning and Zoning Commissioners.
I authorize them to use all or parts in any fashion they choose, read it into the record, print it, post it, etc.

I do not plan to speak at the public hearings.

Bottom Line:

I place my trust and confidence in my City Manager and his team.
Anna is well on its way to becoming a shining star and the #1 City in North Texas.
Y'all are going to lead the way.

Highest Regards,

John Pennell
1515 Westfall Drive
Anna TX, 75409

816 830 1975

Received 12/10/2021
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On the day of the Planning and Zoning public hearing, (Monday, December 6, 2021) there were 17 submissions of public commentary posted.

!6 submissions were in opposition to the proposal and were proffered by:

Jessica Hurley and Slante' Mhath, Anne and Lee Norment, Amanda Leal, Tara Ebbinghaus, Rachael Hamilton, William Brush, Kimberly Winarski
Julia Gilsdorf Ramirez, Jen Simmons, James Simmons, Skylar Maple, Aaron Kovach, Leecia Kovach, Matthew Burns, Birgitte Blackwell, and Josh Cave.

Opposition beliefs fell into these categories:

14 Criminal Activity
14 Property Values
11 Disturbances/Noise/Lights... 24/7
7 Traffic
6 Trash
5 Rats and Vermin
5 Eye Sore / A Monstrosity
5 Anna has plenty of storage facilities
2 Anna has higher needs
1 Pollution
1 Lack of Privacy
1 Not enough revenue for the City
1 Business should be locally owned
1 Business should employ City residents

A submission was in favor of the proposal and was proffered by: Charly Eidenier.

Supporting beliefs fell into these categories:
1 Quiet
1 Not a nuisance
1 Best option

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On the evening of Monday, December 6, 2021, a public hearing took place.

5 speakers were in opposition to the proposal.
The names of the speakers are Lee Norment, Stephen Fletcher, Julia Norvell, William Rush, and John Oglesby.

Opposition beliefs fell into these categories:
4 criminal activity
3 property values
3 eyesore / monstrosity
2 operation vendor not named
2 lights at night
1 traffic
1 height of building
1 how many do we need
1 homeless will get in
1 better use of the land
1 zoning is to preserve the character of the community

A Commissioner asked for the project tax numbers to be made available to The Commission.

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Send:
Friday,
December 10, 2021

The citizen comments are
well intentioned and emotionally compelling.

However, as I reviewed them,
I found City staff reports and recommendation
showed a greater knowledge of the facts in every circumstance.

The City Development Services has done a noteworthy and
exemplary job of collecting pertinent facts and presenting them.

Here are my opinions... in rebuttable... to the commentary of other citizens
who proffered them in opposition to the proposal.

CRIMINAL ACTIVITY

The Specific Use Permit* enables the City to stipulate the terms and the conditions and
the standards for the security of the mini-warehouse facility.
(see below).

The lucrative nature of self-storage facilities** provides sufficient funding
for eliminating most all likelihood of crime.
(See below)

The Specific Use Permit should require, and set out and specify
what are the acceptable security measures...

Security methods may include many possibilities, such as...
over-night security dogs, security dogs with cameras, abundance of cameras, or
a requirement that an off-duty Anna law enforcement officer must be employed...
and, on site... 24/7.

Any of these should deter criminal activity and
some will nearly guarantee zero criminal activity.

My father used to say... "First, you've got to want to"...

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PROPERTY VALUES

The City Council, the City Manager, and the City Staff, all want what is best for this City.
It is silly to say otherwise.

All of these individuals are professionals and are educated in
municipal development and those things which are beneficial and necessary
to create a thriving community.

Our City leaders are not idiots. On the contrary, they are experienced professionals.
It is nonsense to imply that our City leaders would move forward with a land use proposal that
undermines the development of the City or reduces the property values of homes.

Further,
a City Manager cares for his community... more than any of us... combined.
It's his baby... and, it's all he lives for... and,

He wants to make the best decisions and to get it right.

He has hand-picked his team to do just that... get it right.

And when citizens are asked for our input at public hearings... provide it, then
trust that he'll do his best to get it right.

I trust my City Manager and his team... so should you.

And know this... any mistake hurts the City manager...
way more than it effects your property value.

We are all citizens of Anna... so love each other... and be kind.

DISTURBANCES from NOISE, LIGHTS, and 24/7 HOURS of OPERATION

The packet presented by the City staff addresses the issues, quite thoroughly.

This fact is clear:
The developer/operator is in agreement to let the City set out the terms and conditions
for operating this business in the Specific Use Permit.. Period.

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At this point in time...

The developer/operator agrees to follow the City of Anna lighting requirements.

The developer operator agrees to limit the hours of operation to be from 6:00 AM to 10:00 PM.

The developer/operator agrees that outside storage will be prohibited.

The sketch drawing indicates all buildings will be
a full 35 foot set-back from the existing masonry walls.

TRAFFIC

The packet presented by the City staff addresses the issues, quite thoroughly.
and provides comparative analyses for various land uses and various business types.

Here are the staff findings.

The estimated vehicular traffic for
the peak (2) hours from 4 pm to 6 pm in the afternoon/evening...

For the proposed mini–storage units.....(76,973 sq.ft.).....13 vehicle trips.
For a General Office/ Medical Office/ Shopping Center.....(14,000 sq.ft.).....86 vehicle trips.
For a Shopping Center.....(28,000 sq.ft.).....107 vehicle trips.
For a Shopping Center with 2 Restaurant Drive thru's.....(10,000 sq.ft.) plus
(2 x 3,500 sq.ft.).....267 vehicle trips.

Please Note: The proposed self-storage, mini warehouse development would
generate significantly less traffic than any other of the retail, office, and service type uses.

TRASH

The staff has recommended that trash receptacles shall be only allowed inside a building.
The Specific Use Permit should address the number of receptacle with flexibility.
From time to time, 2 receptacles will be insufficient and inadequate a firm number of
receptacles is too limiting.

RATS and VERMIN

The Specific Use Permit should require the developer/operator
to secure a contact with a pest control provider.

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AN EYE SORE/MONSTROSITY

The Specific Use Permit should set out the requirements for a beautiful streetscape.

ANNA HAS PLENTY OF STORAGE FACILITIES.

A visit to Advantage Storage,
the nearest storage facility to the proposal (a couple of blocks away) revealed that
this facility has 505 units, 504 are fully leased and 1 is used by the facility, and that
there are in excess of 50 customers on a waiting list.

To verify these statements,...
call the Facility Manager, Josh 469-905-0700 or the Assistant Manager Jonathan 972 924 8588.

NOT ENOUGH REVENUE FOR THE CITY

Mini-Storage Warehouse Units can be incredibly lucrative.
The Specific Use Permit* enables the City to utilize and direct money.

(Below is a web-link to an industry trade blog which tells the following statements.)
There exist more self-storage facilities in the U.S. than
all of the McDonalds, Starbucks and Subway restaurants...combined.

2019 income numbers for the industry were
estimated to be 37, 000,000,000... that's BILLION !!!

Source document:
EVERYTHING YOU NEED TO KNOW ABOUT HOW TO START A SELF-STORAGE BUSINESS
John Egan
Jul. 26, 2021
Blogs

If you have time to read it,
many other interesting tidbits are scattered through-out this promotional blog.
The Ultimate Guide to Starting a Storage Business - Storable Blog
(See below, **The Lucrative Nature of Storage Facilities).

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FOOTNOTES:

***ENABLING ORDINANCE.**

Click on this Web-Link
Franklin Legal Publishing, powered by CTS z2

or, for your convenience...

CITY OF ANNA
CODE OF ORDINANCES
ARTICLE 9.04 ZONING ORDINANCE
Sec. 9.04.036 Specific Use Permit
(b) Conditions for approval of specific use permit.
(3) The city council may
in the interest of the public welfare and to assure compliance with the intent of this article, require such development standards and operational conditions and safeguards, as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

****LUCRATIVE NATURE OF SELF STORAGE FACILITIES**
Click on this Web-Link
The Ultimate Guide to Starting a Storage Business - Storable Blog

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ITEMS TO CONSIDER FOR ADDITIONS TO THE SPECIFIC USE PERMIT.

1) PEST CONTROL CONTRACT REQUIREMENT
2) STREETSCAPE BEAUTIFICATION REQUIREMENT
3) BACKGROUND CHECK REQUIREMENT

Know your customer laws are growing in popularity.
They exist in diverse business segments.
From banking and finance... think 911 and Dodd–Frank.
to the automotive salvage business... etc... etc... etc...
It is possible for the City to require a fee collection
from prospective customers to fund the Anna police
to run a background check... for bad actors.
And, you know what I'm talking about.
In some jurisdictions, convicted sexual deviants
are not allowed to reside within 1000 feet of a school.
Liquor stores are not allowed within 300 feet of a church.
The City needs to know, who is renting storage units.
And Officers need to know, who is renting storage units.
Legitimate customers will fund their background checks,
while bad actors will flee and locate elsewhere.

4) ANNA ISD PARTNERSHIP REQUIREMENT

In as much as Art has been proven to be instrumental
to a young person's development...
I am asking for consideration of a dedicated area adjacent
and including the west facing wall for use by and
in PARTNERSHIP with... the Anna ISD to utilize that area
and set it aside as a display area for the Senior Class
Art Community to showcase, beginning with
the class of 2023.
The area should include a mural board
(which may be incorporated with the wall itself) and
several display pads for sculptures.
Display lighting should be included.

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5) SHARED WALL BUFFER WALL ESCROW FUND REQUIREMENT

Developers of this commercial parcel are required
by Ordinance to build a buffer wall... and since...
one already exists...
any business developer will save the cost of that wall...
The reality is that the HOA has paid the entire bill
for the **shared** masonry wall... So in fairness...
the developer should escrow the funds
for the replacement wall. (25 years in the future).
It would be in the interest of the City to place the
developer contributions in a segregated escrow account.

6) RECREATIONAL USAGE PROHIBITION REQUIREMENT

A trending activity in mini-storage units is to use them
as party facilities. As an example... Folks are out-fitting
storage units with a big video screen, a pool table and
a bar. And then their friends are invited to come and
watch the game... these units are climate controlled.
The City needs to get a handle on this... now.
Generally, storage unit infrastructure is not constructed
to support this volume of activity, in terms of parking,
and safety, and medical, and bathroom s...etc.

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Planning & Development
1 of 3

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

Please see attached yellow sheet.

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

Kelly J. Oglesby
Name (Please Print)

Kelly J. Oglesby
Signature

1333 Crescent View Dr.
Address

12-6-21
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

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Planning & Development
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I stand in opposition to this request for a proposed zoning change. I live in Avery Pointe Subdivision, those of us living here own homes. Our homes have yards and at least two ~~story~~ car garages. We can have storage buildings in our backyards or we can store things in our garages. We don't need a two story storage facility. Storage facilities are needed by multi family facilities, (Apartments) They need to build this storage facility next to multi family facilities (apartments) or in undeveloped. Building this next to our housing subdivision will only hurt our homes values.
I urge you to not recommend this request.

Kelly [signature] by [signature]

12-6-2021

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' PROXY LETTER FOR ATTENDANCE '

Date: December 6, 2021

To whom it may concern,

I, Kelly Jean Oglesby (1333 Crescent View Drive, Anna, TX 75409), designate John E. Oglesby (who also resides in the home) to act on my behalf and to attend the meeting on my behalf at the Anna ISD Board Room (201 E. 7th Street) to be held on the on Monday, December 6, 2021 at 7 p.m. He will express my concerns and opposition to the proposed zoning change that will impact my home in the Avery Pointe subdivision.

Kelly Jean Oglesby
Home Owner
850-933-9328

John E. Oglesby
Designated Proxy

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Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I am opposed to the request for the 2 story storage facility at White and Ferguson. There are much better options for this type of facility besides at the entrance and backing up to the Avery Pointe Residences and pool area. Not only will this decrease property values, it will increase crime activity, traffic hazards, and garbage being dumped onto the HOA Community. Please try to promote something similar to the doctors office plaza at the entrance to The Falls!!

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

Sherry Foelkl
Name (Please Print)

Sherry Foelkl
Signature

204 Copper Switch Dr. Anna, TX 75409
Address

11/23/21
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Received 12/07/2021
Planning & Development
1 of 7

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

Too close to housing development & neighborhood
Eye sore - tallest building in Anna is a storage facility?
Already at least 9 storage facilities in Anna
Property adjacent becomes less desirable
Drugs, thefts increase in storage facilities - fact!

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

JULIA NORVELL
Name (Please Print)

Julia Norvell
Signature

1524 WESTFALL DR
Address

12/6/21
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

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Planning & Development

Not against storage units, but the location of this is questionable, right on the main street and so close to housing development.

Such an **eye sore** when Anna residents really would prefer beautifying attractions for their families. Do you really want the tallest building on White street to be a storage facility?

How many storage facilities are needed in Anna? I can find at least 9. All seem to be located off the main streets of Anna, which seems logical.

How will **traffic flow** be addressed?

Traffic is already congested on Ferguson at White Street, speeding cars on Ferguson. I almost got hit crossing the street between east and west at Avery Point Dr. The person speeding in the car could have moved over to the other lane, but did not preferring to honk at me. This gives the mindset of people already in a hurry on a Sunday morning.

EIR done?

Decease in property values, Some may argue that it would not be impacted, but all the same, the area still becomes less appealing.

What are city regulations regarding storage facilities?

From the City of Anna Planning & Zoning guidelines:

What is the purpose of zoning? - Jan 18, 2011
https://www.annatexas.gov/faq.aspx?qid=183
Zoning is the practice of dividing an area into districts within which **regulations** and requirements uniformly govern the use, placement, spacing and size of land and buildings. **Zoning** is most often utilized to protect properties from incompatible adjacent land uses and to preserve the "character" of a community.

ISN'T ANNA ABOUT NEIGHBORS AND COMMUNITY?

There is an elementary school just up the street on Ferguson, the Montessori school just up the street on White and daycare facilities in this same area...and the Avery Pointe Pool is just on the other side of the brick wall. A huge storage facility does not seem conducive in the proposed location.

While contemplating making Anna my forever home, I browsed the City Agendas. I recall reading that one reason a hotel at 455 and US 75 was withdrawn because of fear of drugs. The walls of storage units will hide them better than a hotel.

Drugs, firearms, labs are concealed within the walls of storage units. Thefts...the list is endless.

Following are links to articles of interest on this subject.

https://www.bluesheepdog.com/self-storage-units-and-drug-interdiction/
Through the years, police officers have found all sorts of criminal activity lurking inside of an unassuming self-storage facility. Recently, police training classes have talked about the

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use of a self-storage facility to establish a meth lab. While the threat of methamphetamine production is real, don't forget about other crimes that can happen in these units:

- storage of drugs
- storage of counterfeit goods
- stolen property
- money that is waiting to be laundered
- the making of bombs for a terrorist attack
- storage of illegal weapons

https://www.kbtx.com/content/news/Madison-County-deputies-investigating-storage-unit-thefts-569015741.html

Jun 03, 2011. Police are investigating several break-ins at multiple self-storage facilities in Madison, Texas. At least three self-storage units and two storage sheds in residential neighborhoods have been burglarized in the past month. State Street Storage, Wilson Management Company and D&J Storage all reported a break-in.

Thieves Steal Motorhome Worth $150K From Fort Worth ...

https://dfw.cbslocal.com › 2021 › 07 › 22 › thieves-steal-motorhome-worth-150k-from-fort-worth-storage-facilityParker County Sheriff Russ Authier said the theft **occurred Saturday, July 10, at 6 p.m., in the 15000-Block of State Highway 377, in Fort Worth at the Wabash RV & Boat** Storage facility.

Self-Storage Crime: Are Facilities a 'Haven for Thieves'?

https://www.sparefoot.com › self-storage › blog › 4626-self-storage-crimeOn the whole, self-storage **facilities in Houston and across the country are safe; according to the 2013 Self-**Storage **Almanac, just 8.9 percent of facilities surveyed had reported break-**ins **or** theftsin **2012. But the folks at KHOU and "Good Morning America" make it sound like self-**storage **crime is running rampant.**

Seguin police recover thousands in merchandise stolen from

...https://www.ksat.com › news › local › 2021 › 03 › 23 › seguin-police-recover-thousands-in-merchandise-stolen-from-storage-units Suarez said Seguin police are investigating several thefts **that have taken place at** storage**facilities along 123 Bypass and Highway 46. "Criminals are looking for easy access in and out ...**

Received 12/07/2021
Planning & Development
4 of 7

Retired NASA astronaut has space memorabilia stolen from ...

https://www.click2houston.com › news › local › 2020 › 03 › 06 › retired-nasa-astronaut-has-space-memorabilia-stolen-from-storage-facility-near-galleria-area
Retired NASA astronaut has space memorabilia stolen from storage facility near Galleria area. HOUSTON - More than two dozen storage units were broken into in at the Public Storage near the ...

Are the Public Storage companies responsible for theft and ...

https://www.avvo.com › legal-answers › are-the-public-storage-companies-responsible-for-t-1367111.html
Are the Public Storage companies responsible for theft and vandalism to your units? We have had a storage unit at Public Storage since July 2010. This week we decided we were going to down size our unit and take some of our personal belongings home.

Parker County SO Makes Arrests Following String of Thefts ...

https://www.nbcdfw.com › news › local › parker-county-deputies-arrest-4-following-string-of-thefts-targeting-rvs-motorcycles › 2666422
"Several suspects have been arrested on theft of property and narcotics charges after the investigation led to the search warrants of two storage units at a facility in the 2000-Block of East ...

Local country artist cancels shows after musical equipment ...

https://www.click2houston.com › news › local › 2020 › 10 › 15 › local-country-artist-cancels-shows-after-musical-equipment-stolen-from-cypress-area-storage-facility
11-year-old recovering in hospital after being hit by Ford F-150 in north Houston hit-and-run ... was stolen from Cypress-area storage facility ... been this sort of theft at the same facility ...
More Results

https://www.insideselfstorage.com/crime/self-storage-employee-theft-signs-its-happening-and-what-do-about-it

Employee theft can happen at any self-storage business, big or small. There are a number of reasons for it, but there also methods to uncover and prevent it. Learn the red flags that signal a crime might be happening at your facility and what to do about it.

Kerry Akins | Oct 28, 2021

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5 of 7

1. Affordable Self Storage
3119 N Powell Pkwy
Anna, TX 75409

2. Advantage Storage
2211 W White St
Anna, TX 75409
Open · Closes 6PM

3. Kinsman Self Storage
2511 County Road 376
Anna, TX 75409

4. Recreational Realty
2380 FM-455
Anna, TX 75409

5. Blue Sky Self Storage
3119 N Powell Pkwy
Anna, TX 75409

6. Self Storage of Anna
114 Bowden St
Anna, TX 75409

7. Windmill Storage
1229 FM-455 E
Anna, TX 75409

8. Akmr Anna Storage
1229 FM-455 E
Anna, TX 75409

9. U-Haul Neighborhood Dealer
Car Rental
2511 County Road 376
Anna, TX 75409

Received 12/07/2021
Planning & Development
6 of 7

BLUE SHEEPDOG

Self Storage Units and Drug Interdiction

Police officers engaged in drug interdiction quickly learn that experienced dealers and traffickers never drive a car they own when moving their product. Criminals have learned to bypass the asset forfeiture laws by renting a car, and moving the drugs with the leased vehicle. If stopped, the dealer may lose the product, but won't have lost additional money tied up in a multi-thousand dollar vehicle. Use a third party to lease the rental car, and the dealer has added an additional layer of insulation between him and the dope seized in the stop.

This tactic of using leased property extends beyond the motor vehicle, and observant officers can make an impact on criminal enterprise by watching self-storage facilities.

Self-storage facilities generally offer criminals with a near-ideal location from which they can work or store their products. The facilities often take cash, don't do background checks, ask few questions, are open 24-hours a day, and, based on how the property is laid out, offer the ability to work out of the view of the casual passerby.

Through the years, police officers have found all sorts of criminal activity lurking inside of an unassuming self-storage facility. Recently, police training classes have talked about the use of a self-storage facility to establish a meth lab. While the threat of methamphetamine production is real, don't forget about other crimes that can happen in these units:

Received 12/07/2021
Planning & Development

- storage of drugs
- storage of counterfeit goods
- stolen property
- money that is waiting to be laundered
- the making of bombs for a terrorist attack
- storage of illegal weapons

By way of example, law enforcement officers seized 100,000 Ecstacy tablets in a self storage unit in the Los Angeles area on October 29,2007.

Make contact with the managers of the facilities in your beat. Ask them if they have noticed anything, or anyone, strange on the property. If they are willing to work with you to prevent crime, suggest they pay attention to their renters. If anyone displaying certain common criminal characteristics rents from them, ask them to call you. Some of these common characteristics include:

- paying cash only
- paying for the rental months in advance
- abnormal concerns about privacy
- nervous behavior
- the use of fake or altered ID
- late night trips to the storage unit
- people other than the leasee visiting the unit

None of these characteristics establishes probable cause for criminal activity, but if someone pops up displaying several of these characteristics, they may be worth checking out.

Another thing to request of management is their permission to walk a department K-9 through the common areas of the facility. K-9's trained to detect drugs and/or bombs may hit on a scent in a common area that will lead you to a specific unit.

Keep your mind and eyes open when patrol around a self storage facility. You never know what you may find.

Stay safe!

Received 12/14/2021
Planning & Development
1 of 2

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I oppose the city of allowing a 2 story self storage facility to be built in front of the entrance of Avery Point development. The construction of such facility will only obstruct the view that the development is there and hinder the ability of resale in that neighborhood. In addition, there is self storage already located on White St approximately 1500 yards west of White St and N. Ferguson Pkwy; there should be a limitation. Further, as the city grows and White St becomes one of the main thoroughfares, we need to be aware of the look it gives to our growing community. We want to attract new residents, not detour them away for certain delevopments

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

Timra Vaalentyne
Name (Please Print)

Timra Valentyne
Signature

102 Kelvington Dr
Address

12/14/2021
Date

*** See attached page ***

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 12/14/2021
Planning & Development
2 of 2

Timra Valentyne

To: LMECKE@annatexas.gov
Cc: Timra Valentyne
Subject: Zoning Response

To whom it may concern,

Please see the attached form as an "Opposed to Request" of the building of another storage facility at the intersection of White St and N Ferguson Pkwy. Such facility will only obstruct the development and hinder the resale of the neighborhood. As a newer member of the community, I feel that there needs to be a limitation to certain types of buildings that will be built within approximately of each other. There is ample space in the city limits of Anna and with a storage facility already within 1/10 of a mile away, there is no need for another to be built so close to each other.

Furthermore, the city is growing very fast. With that speed, we need to be cognate of the type of businesses going in on White St as it is one of the main thoroughfares of the community. Each available lot should have careful consideration to the impact of the community and represent Anna to the best of its ability for new residents, but more importantly or local commerce. The local commerce is the life line of each community as it provides stability in the job sector for local residence as well represents the foundation of our growth. A self storage will provide minimal jobs and the pros don't out weight the cons given there are other areas a building of this nature could be placed.

Finally, leave prime locations along White St to businesses that will attract locals as well as patrons from outside communities, but most importantly have businesses that will give back to the community by way of jobs to our locals. These are prime locations that need to be treated as such as they are the face of Anna's community and what we stand to offer the outside world.

Have a*´¨)
¸.·´ ¸.·*´¨) ¸.·*¨)
(¸.·´ (¸.·´ * Wonderful day

Timra Valentyne

Received 01/03/2022
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

I am opposed to the request of a special permit to erect a large storage facility in the proposed location at White St and Ferguson. As an Avery Pointe homeowner I would stare at this location everyday and I think a different business, park, recreational space, etc would be a better fit. The appeal of the neighbourhood will suffer.

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

Shelby Marmon
Name (Please Print)

Shelby N. Marmon
Signature

1330 Timberfalls Drive
Address

01.04.2022
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Received 01/03/2022
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

Consent Item No. 17 (mini-warehouse)

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

Sawichaya Wester Walley
Name (Please Print)

S. Wester Walley
Signature

433 Kaie Teur Dr.
Address

Anna, TX 75409
Date

Please return this form to:

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

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Avery Polate Commercial Block A, lots 2 & 3 12/05/2021

Received 01/04/2022
Planning & Development

THE CITY OF
Anna

Please circle one:

In favor of request | Neutral to request | Opposed to request

Comments:

Please do not approve the storage unit to be built near Avery Pointe. It adds no value to our community.

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

Marisa Giddens
Name (Please Print)

Marisa Gido
Signature

100 copper switch Dr.
Address

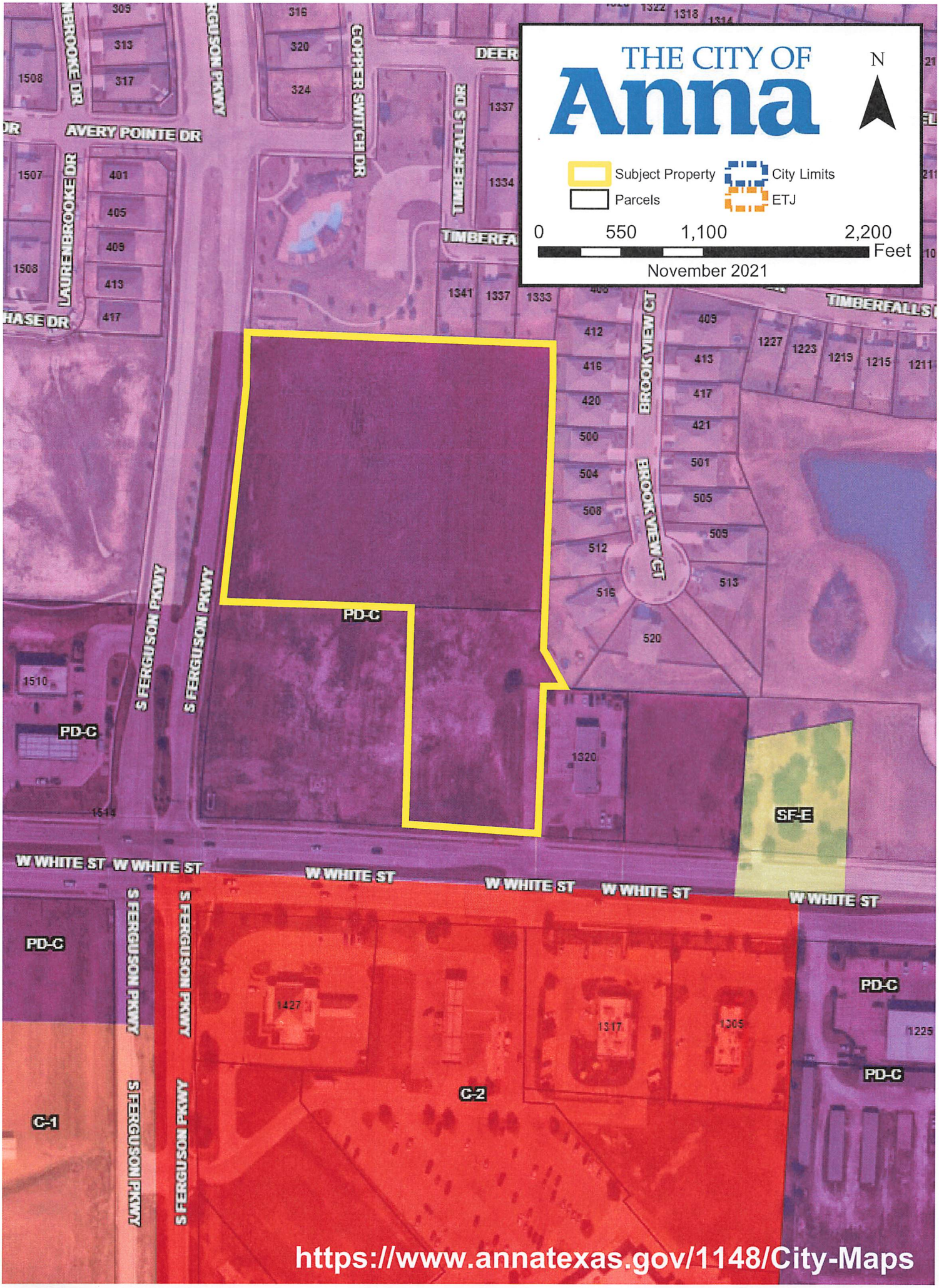
01/04/2022
Date

Please return this form to:

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

Hand Delivery:
Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to
LMECKE@annatexas.gov
Subject: Zoning Response


THE CITY OF
Anna
N
Subject Property
City Limits
Parcels
ETJ
0
550
1,100
2,200
Feet
November 2021
AVERY POINTE DR
LAURENBROOKE DR
COPPER SWITCH DR
TIMBERFALLS DR
BROOKVIEW CT
S FERGUSON PKWY
W WHITE ST
PD-C
SF-E
C-1
C-2
https://www.annatexas.gov/1148/City-Maps

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AVERY POINTE COMMERCIAL, BLOCK A, LOT 3, CONCEPT PLAN

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

WHEREAS, Anna 455 Commercial LP has submitted an application for the approval of the Avery Pointe Commercial, Block A, Lot 3, Concept Plan; and

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

Section 1. Recitals Incorporated.

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

Section 2. Approval of Concept Plan

The City Council hereby approves the Avery Pointe Commercial, Block A, Lot 3, Concept Plan attached hereto as Exhibit A.

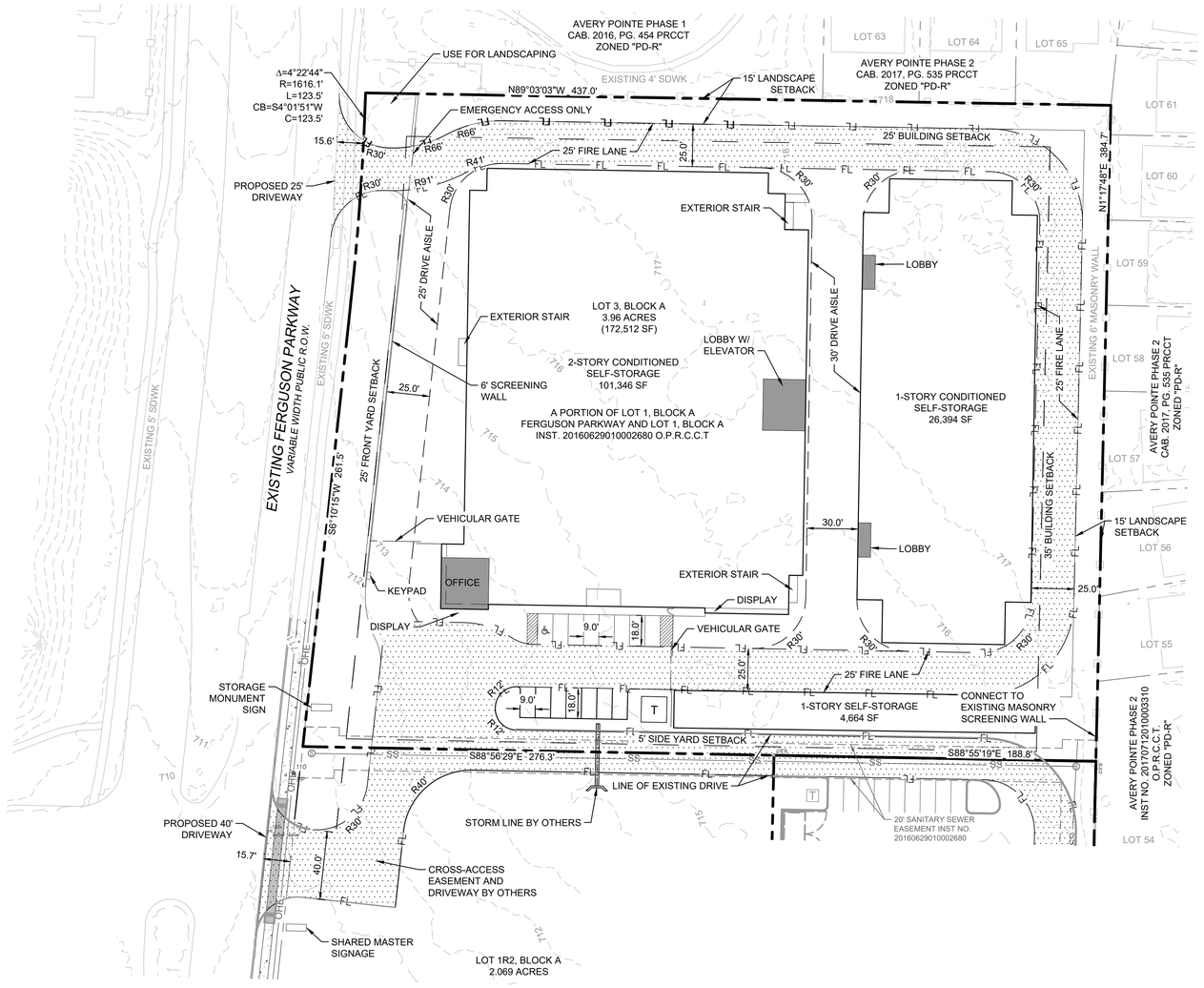
PASSED AND APPROVED by the City Council of the City of Anna, Texas, on this 8th day of March, 2022.

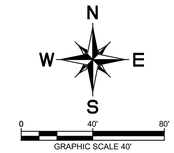
ATTEST:

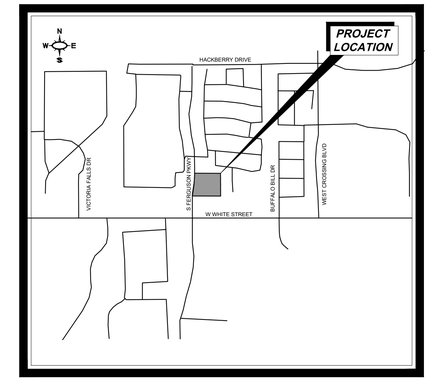
_____
City Secretary, Carrie L. Land

APPROVED:

_____
Mayor, Nate Pike







VICINITY MAP
N.T.S.

LEGEND

FL	PROPOSED FIRE LANE
T	TRANSFORMER PAD

CONCEPT PLAN NOTES

1. TWO (2) ROLLOUT DUMPSTERS WILL BE PROVIDED AND STORED IN AN ON-SITE UNIT.

SITE DATA SUMMARY TABLE	
GENERAL SITE DATA	
LOT NUMBER	LOT 3
ZONING	PD
LAND USE	SELF-STORAGE
LOT AREA / SQ. FT. AND AC.	172,512 SF, 3.96 ACRES
BUILDING FOOTPRINT AREA (TOTAL)	81,731 SF
BUILDING HEIGHT (number of stories)	2 STORIES, 1 STORY
BUILDING HEIGHT (FEET)	35' Max
LOT COVERAGE	47.3%
PARKING	
PARKING REQUIRED (RATIO)	1 SPACE PER 100 UNITS PLUS 1 SPACE PER 1 OFFICE
NUMBER OF STORAGE UNITS	900
NUMBER OF OFFICES	1
PARKING REQUIRED	10
PARKING PROVIDED	15
ACCESSIBLE PARKING REQUIRED	1
ACCESSIBLE PARKING PROVIDED	1
LANDSCAPE AREA	
REQUIRED INTERNAL LANDSCAPE AREA	120 SF
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED	300 SF
TOTAL LANDSCAPE AREA	300 SF

PREPARED BY:

Kimley»Horn

Firm Registration No. F-928
13455 Noel Rd, Two Galleria Office Tower, Suite 700
Dallas, Texas 75240
Tel. No. (972) 770-1300

EXHIBIT A

CONCEPT PLAN
AVERY POINTE COMMERCIAL
BLOCK A, LOT 3
Being ±3.96 Acres Out Of The
F. DUFFAU SURVEY, Abstract No. 288
Abstract No.288
Zoned: PD
City of Anna, Collin County, Texas

November 29, 2021

Owner/Applicant:
Anna 455 Commercial LP
10950 Research Road
Frisco, Texas 75034
Contact: Clint Richardson
Phone: (214) 387-3993
Email: crichardson@bxlandresources.com

Engineer:
Kimley-Horn and Associates, Inc.
13455 Noel Rd,
Two Galleria Office Tower, Ste. 700
Dallas, Texas 75240
Contact: Jonathan Kerby, P.E.
Phone: (972) 770-1300
Email: jonathan.kerby@kimley-korn.com

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2021 KIMLEY-HORN
13455 NOEL ROAD, TWO GALLERIA OFFICE TOWER, SUITE 700
DALLAS, TEXAS 75240
PHONE: 972-770-1300 FAX: 972-239-3820
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT N/A
DATE NOVEMBER 2021
SCALE AS SHOWN
DESIGNED BY RAC
DRAWN BY JCK
CHECKED BY RCL

SELF STORAGE
CITY OF ANNA, TX. 75068
DENTON COUNTY

CONCEPT PLAN

SHEET NUMBER

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

IMAGES: EXHIBIT2015_Exhibit01-USA_v2013-NAD83_Lambert-SPCNAD_Ft(intl)-CTS
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PLOT STYLES: Full Color.ctb
PLOT TIME/DATE: 11/29/2021 3:11 PM
DWG OWN: KCHA_DYNLNAD_PROGLANTS GROUP ANNA\CONCEPHIBITS\20211129 - CONCEPT PLAN
DWG NAME: K:\CHA_DYNLNAD_PROGLANTS GROUP ANNA\CONCEPHIBITS\20211129 - CONCEPT PLAN

Item No. 7.b.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance amending Appendix 2. Schedule of Uses within Article 9.04 Zoning Ordinance of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances. (Director of Development Services, Ross Altobelli)

SUMMARY:

Proposed amendments to Appendix 2. Schedule of Uses within Article 9.04 Zoning Ordinance of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances.

REMARKS:

To add a level of protection for residential neighborhoods located immediately adjacent to commercial zoning districts staff is recommending amendments to the Schedule of Uses (Appendix 2) by requiring the issuance of specific use permits (SUP) for specific land uses.

An SUP allows the city to evaluate a land use as to its probable effect on the adjacent property and the community welfare and gives the city greater authority in either approving or denying as the findings indicate appropriate with regard to the health, safety and welfare of the general public. Additionally, by requiring the issuance of a SUP for a land use additional development standards and operational conditions and safeguards area allowed to be considered for the general welfare and protection of adjacent property and the community as a whole.

The specific land uses in question include

- Motel, motor hotel, or motor lodge
- Residence hotel
- Hotel

SUMMARY:

The recommended amendments to the Schedule of Uses (Table 1 and 5) within the zoning ordinance will add a level of protection for residential neighborhoods immediately adjacent to commercial zoning in addition to allowing a land use within the zoning district it was intended for. A comprehensive evaluation of Appendix 2. Schedule of

Uses and associated land uses and definitions will be completed as part of the future amendments to the Planning & Development Regulation.

The Planning & Zoning Commission recommended approval.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 3: Anna – Great Place to Live

STAFF RECOMMENDATION:
N/A

ATTACHMENTS:
1. Ordinance (SUP for hotel & motels)
2. complete Schedule of Uses - Table 1 & 5 Appendix A

APPROVALS:

Ross Altobelli, Director of Development Services	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

CITY OF ANNA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS); PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the subdivision of land, zoning, landscape regulations, and tree preservation in the City; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City of Anna ("City Council") have given the requisite notices and have held the public hearings as required by law and afforded a full and fair hearing to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council has concluded that the Article 9.04 Zoning Ordinance of the City should be amended as set forth below.

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

Section 1. **Recitals Incorporated**

The above recitals are incorporated herein by reference for all purposes.

Section 2. **Amendment**

In accordance with Article 1.01 of the Anna City Code of Ordinances ("Anna Code"), the amendments made to Chapter 9 (Planning and Development Regulations) are hereby amended as follows.[1]

ARTICLE 9.04 ZONING ORDINANCE

[…]

APPENDIX 2. Schedule of Uses

Table 1. Residential uses

[1] Additionally, throughout Chapter 9 (Planning and Development Regulations), this Ordinance shall permit Franklin Publishing to update references as necessary, such as:

Type of Use	Def *	AG	SF -E	SF -1	SF -84	SF -72	SF -60	SF -Z	SF -TH	MH -1	MH -2	TF	MF -1	MF -2	C-1	NC	C-2	CB RD	C-3	O-1	I-1	I-2
[…]																						
Motel, motor hotel, or motor lodge	3.1.16																~~Y~~ S					
[…]																						
Residence hotel (4)	3.1.18												Y	Y	~~Y~~ S							
[…]																						

[…]

Table 5. Office, Retail, Commercial and Service Type Uses

Type of Use	Def *	AG	SF -E	SF -1	SF -84	SF -72	SF -60	SF -Z	SF -TH	MH -1	MH -2	TF	MF -1	MF -2	C-1	NC	C-2	CB RD	C-3	O-1	I-1	I-2
[…]																						
Hotel	3.1.16														~~Y~~ S		~~Y~~ S	Y	Y			
[…]																						
Motel, motor hotel, motor lodge	3.1.16														~~Y~~ S		~~Y~~ S		Y			
[…]																						

[…]

Section 3. **Savings, Repealing and Severability Clauses**

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

DRAFT

Section 4. **Penalty**

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed the lesser of $2,000 or the highest amount allowed by applicable law for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

Section 5. **Publication of the Caption and Effective Date**

This ordinance shall be effective upon its passage by the City Council and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas this 8th day of March 2022.

ATTESTED:	APPROVED:
_____	_____
Carrie L. Land, City Secretary	Nate Pike, Mayor

DRAFT

APPENDIX 2. SCHEDULE OF USES

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

Table 1	Residential Uses
Table 4	Automobile and Related Service Uses
Table 5	Office, Retail, Commercial, and Service Type Uses

LEGEND FOR INTERPRETING SCHEDULE OF USES

Y	Designates use permitted in district indicated.
	Designates use prohibited in district indicated.
S	Designates use which may be approved as specific use permit.

The numbers in the "Def" column refer to descriptions/definitions listed in appendix 3, descriptions/definitions of uses.

Additional regulations relating to use of land and buildings in individual zoning districts are listed in sections 9.04.008 through 9.04.032 of this article.

SCHEDULE OF USES
TABLE 1. RESIDENTIAL USES

Type of Use	Def *	AG	SF -E	SF -1	SF -84	SF -72	SF -60	SF -Z	SF -TH	MH -1	MH -2	TF	MF -1	MF -2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Apartment, CBRD	3.1.4																	Y				
Bed-and-breakfast facility (1)	3.1.2		S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y	Y				
Boarding or rooming house	3.1.3														Y		S					
Dormitory	3.1.5												S	S								
Duplex (see Two-family dwelling)																						
Guest house	3.1.8	Y	Y																			

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Manufactured housing, HUD-code	3.1.10									Y	Y											
Manufactured home park	3.1.12										Y											
Manufactured home subdivision	3.1.13									Y												
Mobile home	3.1.14																					
Motel, motor hotel, or motor lodge	3.1.16																~~Y~~ S					
Multiple-family residence (3)	3.1.17											S	Y	Y								
Patio home (2)	3.1.7							Y	Y	S	S		S	S								
Residence hotel (4)	3.1.18												Y	Y	~~Y~~ S							
Retirement housing	3.1.19												Y	Y	S		S					
Servant's, caretaker's or guard's res.	3.1.21												S	S	S		S				S	S
Single-family dwelling, attached	3.1.22								Y			Y	††	†††								
Single-family dwelling, detached	3.1.23	†	Y	Y	Y	Y	Y	Y														
Townhouse	3.1.24									Y	Y		Y	Y								
Travel trailer park	3.1.27																S					
Two-family dwelling	3.1.28								S	S	S	Y	Y	S								

* The number in this column references a description/definition listed in appendix 3.

(1) See section 9.04.033(h) for additional regulations.

(2) See section 9.04.033(e) for additional regulations.

(3) See section 9.04.033(f) for additional regulations.

(4) See section 9.04.033(d) for additional regulations.

† See section 9.04.008(b)(1) of this article.

†† See section 9.04.019(b)(1) of this article.

††† See section 9.04.020(b)(1) of this article.

SCHEDULE OF USES
TABLE 5. OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Adult entertainment establishment	3.5.1a																				S	
Adult arcade	3.5.1a(1)																				S	
Adult bookstore	3.5.1a(2)																				S	
Adult cabaret	3.5.1a(3)																				S	
Adult motion picture theater	3.5.1a(4)																				S	
Adult theater	3.5.1a(5)																				S	
Air conditioning and refrigeration contractor	3.5.1b																S		S		Y	Y
Amusement, commercial (indoor)	3.5.3a														S	S	Y	Y	Y	S	Y	S
Amusement, commercial (outdoor)	3.5.3b																				Y	S
Antique shop	3.5.4														Y		Y	Y	Y			
Arcade	3.5.5														S		S				S	S
Arts, crafts store (inside sales)															Y		Y	Y	Y			
Arts, crafts store (outdoor sales)																	S	S	S		Y	
Bakery and confectionery, retail sales	3.5.6a														Y	Y	Y	Y	Y			

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Bakery and confectionery, commercial	3.5.6b														S		S	S	S		Y	Y
Bank, savings and loan, credit union	3.5.7														Y		Y	Y	Y		Y	Y
Boat sales and storage																	Y				Y	
Barber school or college	3.5.8b																Y	S	Y		Y	
Beauty culture school; cosmetology spec. shop	3.5.9a														Y		Y	S	Y		Y	
Bldg. materials, hardware (inside storage)	3.5.10														Y		Y	Y	Y		Y	S
Bldg. materials, hardware (outside storage)	3.5.10														S		S		S		Y	Y
Brewpub or winery (1)	3.5.9b																S	Y	Y	Y	Y	Y
Cabinet and upholstery shop	3.5.12																S		S		Y	Y
Cleaning and dyeing, small shop	3.5.13														S	S	S	S	S		Y	Y
Clinic, medical or dental	3.5.14														Y	Y	Y	Y	Y	Y		
Convenience store	3.5.15														Y	Y	Y	Y	S		S	
Discount, variety, or department store	3.5.17														S		Y	Y	Y		S	
Engine and motor repair	3.4.9																S				Y	Y
Farm equipment, sales and service																	S				Y	Y
Feed and farm supply (inside sales/storage)	3.5.18														S		Y				Y	Y
Feed and farm supply (outside sales/storage)	3.5.18																				Y	Y
Flea market	3.5.19	S															S		S		Y	Y

Type of Use	Def *	AG	SF-E	SF -1	SF-84	SF-72	SF -60	SF-Z	SF-TH	TF	MH -1	MH -2	MF -1	MF -2	C -1	NC	C -2	CB RD	C -3	O -1	I -1	I -2
Florist	3.5.20														Y	Y	Y	Y	Y		S	
Food and beverage store	3.5.22														Y		Y	Y	Y		Y	Y
Food store; grocery store	3.5.21														Y	Y	Y	Y	Y			
Furniture and appliance, repair or storage	3.5.20 [3.5.23]																				Y	S
Furniture, appliance store (inside storage)	3.5.23 [3.5.24]														Y		Y	S	Y		Y	Y
Furniture, appliance store (outside storage)	3.5.23 [3.5.24]														S		S		Y		Y	Y
Garden center (retail sales)	3.5.25														Y		Y	Y	Y		Y	
General merchandise store	3.5.26														Y		Y	Y	Y			
Gymnastic or dance studio; health club	3.5.26a														Y	Y	Y	Y	Y		S	
Heavy machinery sales																	S				Y	Y
Hotel	3.1.16														~~Y~~ S		~~Y~~ S	Y	Y			
Household appliance service and repair	3.5.23														S		Y	Y	Y		Y	
Intradermal studio	3.5.26b														S	S	S	S	S		Y	
Laboratory, medical or dental															S		Y		Y	Y	S	
Laboratory, scientific or research	3.5.27																			S	Y	Y
Laundry and cleaning, self-service	3.5.28														Y	Y	Y		Y			
Laundry and cleaning, commercial	3.5.28																				S	Y
Massage parlor	3.5.1a(6)																S				S	
Massage therapy facility	3.5.29														Y		Y	Y	Y			

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Metal dealer, secondhand	3.5.30a																				Y	Y
Metal dealer, crafted precious	3.5.30b														Y		Y	Y	Y		Y	Y
Motel, motor hotel, motor lodge	3.1.16														~~Y~~ S		~~Y~~ S		Y			
Mortuary or funeral home																	Y		Y		S	
Nude modeling studio	3.5.1a(7)																S				S	
Office center	3.5.32														Y		S		S	Y		
Office, prof. or general administrative	3.5.33														Y		Y			Y		
Office - showroom/warehouse	3.5.34																S		S		Y	Y
Pawn shop	3.5.35																S		S		S	
Personal service shop	3.5.36														Y	Y	Y	Y	Y		S	
Pet shop	3.5.37														Y		Y	Y	Y			
Medical supplies, sales and service															S		S		Y		Y	
Newspaper printing																	S				Y	Y
Pharmacy															Y	Y	Y	Y	Y			
Plumbing, heating, refrig. or air cond. bus.	3.5.38																S				Y	S
Plumbing service	3.5.39																S				Y	S
Portable building sales	3.5.40																		S		Y	S
Post office, government and private	3.5.41														Y	Y	Y	Y	Y		Y	Y
Print shop	3.5.42														S		S				Y	Y
Private clubs (1)	3.5.42a														S		S	S	S		S	

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Restaurant or cafeteria	3.5.44														Y	Y	Y	Y	Y		Y	
Retail ice and dispensed water sales	3.5.45b														S		S		S		S	S
Retail shops and stores other than listed	3.5.45a														Y	S	Y	S	Y		S	
Secondhand store, furniture/clothing	3.5.46														S	S	S	S	S		Y	
Service, retail	3.5.47														S	S	Y	Y	Y		Y	
Sexually oriented business (see Adult entertainment) establishment)	3.5.48a																					
Shopping center	3.5.48b														Y	S	Y	Y	Y			
Short-term loan agency																					S	S
Studio (photographer, musician, artist)															Y	S	Y	Y	Y	Y		
Studio for radio and television															Y	S	Y	Y	Y	Y	S	
Tasting room (1)	3.5.48d																S	Y	Y	Y	Y	Y
Taxidermist															S	S	Y	Y	Y		S	
Theater (indoor)															Y	S	Y	Y	Y		S	
Theater (outdoor)	3.5.49																				Y	Y
Tool rental shop																	S	S	Y		Y	S
Trailer, manufactured housing or mobile home display and sales	3.5.50																S		S		Y	S
Trailer rental	3.5.51																S		S		Y	S
Veterinarian clinic (no outside pens)	3.5.51a														S		S	S	Y		Y	S
Veterinarian clinic (outside pens)	3.5.51b																S				Y	S

Washateria	3.5.51 [3.5.52]														S	Y	Y	Y	S		S	

* The number in this column references a description/definition listed in appendix 3.

(1) See section 9.04.033 special uses.

Item No. 7.c.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Annexation - Anna West (Director of Development Services Ross Altobelli)

1) Consider/Discuss/Action on a Resolution approving an Agreement regarding services including a plan for municipal services regarding 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

2) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to annex 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

SUMMARY:
Yn, LLC has submitted a petition to annex 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

It is recommended that the City Council approve a resolution for an agreement regarding services and an ordinance regarding the request to annex the 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

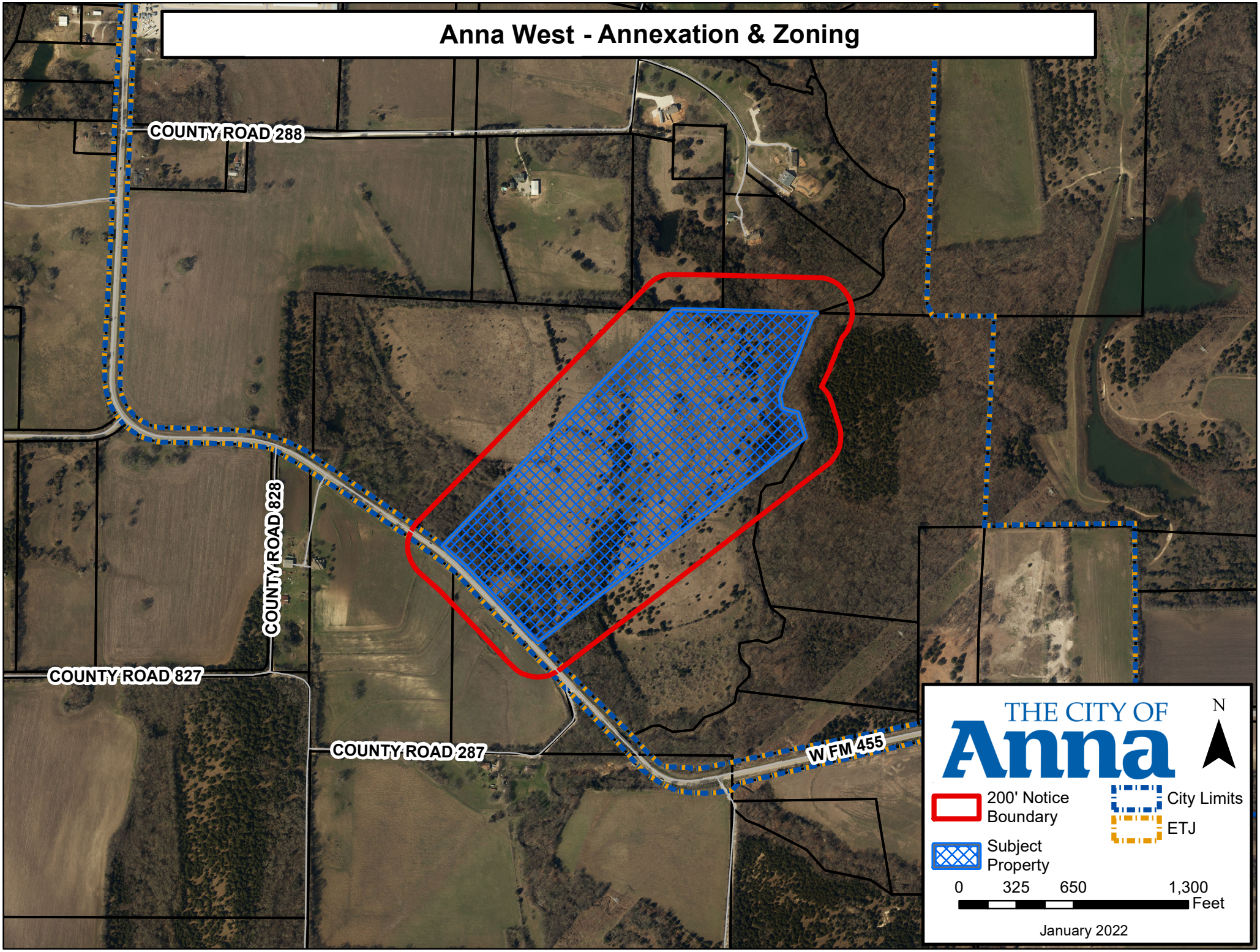
STAFF RECOMMENDATION:
Recommended for approval

ATTACHMENTS:
1. Anna West locator
2. Ordinance & Exhibits (Annexation) Anna West
3. Resolution & Exhibits (Service Agreement) Anna West Annexation

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Anna West - Annexation & Zoning



L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF ANNA, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID MUNICIPALITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID MUNICIPAL CORPORATE LIMITS AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY AS SET FORTH HEREIN; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 43 of the Texas Local Government Code authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the City of Anna, Texas (the "City") is a Texas home-rule municipality; and

WHEREAS, Section 43.0671 of the Texas Local Government Code authorizes a municipality to extend the boundaries of the municipality and annex areas by request of the owner(s) of the areas; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the City's annexation of following described territory, to wit: a 43.9± acre tract of land situated within the J.M. Kincaide Survey, Abstract No. 510, Collin County, Texas, being all of a tract conveyed to Yn, LLC, by deeds recorded in Document No. 20180827001077280 in Deed Records of Collin County, Texas; and

WHEREAS, the land being annexed under this ordinance (the "Annexation Tract") is described more specifically in EXHIBIT A, attached hereto; and

WHEREAS, the Annexation Tract is wholly located with the City's extraterritorial jurisdiction; and

WHEREAS, on or about January 10, 2022, the respective owners of the Annexation Tract submitted a written request to the City for annexation of said tract into the corporate limits of the City and the City and said owners have entered into a written agreement regarding municipal services to be provided by the City in accordance with Texas Local Government Code § 43.0672 and said written agreement is as set forth in EXHIBIT B, attached hereto; and

WHEREAS, the City timely published notice and held a public hearing on this annexation at a duly noticed public meeting in accordance with the laws of this state;

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

SECTION 1. The recitals set forth above are hereby incorporated in this ordinance as if set forth in full for all purposes.

SECTION 2. The Annexation Tract is hereby annexed into the corporate boundary limits of the City of Anna, Collin County, Texas, and that said corporate boundary limits of the City of Anna be and the same are hereby extended to include the above described territory within the corporate limits of the City, and the same shall hereafter be included within the territorial limits of the City, and the inhabitants thereof shall hereafter as set forth be entitled to all the rights and privileges of other similarly situated citizens of the City of Anna and they shall be bound by the acts, ordinances, resolutions, regulations and all other legal acts of said city.

SECTION 3. The official map and boundaries of the City of Anna are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation and the City Manager is directed to take all actions necessary to make said changes to the official boundary map of the City.

SECTION 4. The City Secretary is hereby directed to file a certified copy of this ordinance and the amended official boundary map referenced in Section 3 with the with the County Clerk of Collin, Texas and the Texas Comptroller's Office.

SECTION 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

SECTION 6. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 7. This ordinance shall become effective immediately upon the date and time of its adoption and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THIS THE 8TH DAY OF MARCH, 2022.

CITY OF ANNA, TEXAS

_____

NATE PIKE, MAYOR

ATTEST:

_____

CARRIE L. LAND, CITY SECRETARY

cole®

ST. LOUIS
Power House at Union Station
401 S. 18th Street, Suite 200
St. Louis, MO 63103
314.984.9887 *tel*

ST. CHARLES
1520 S. Fifth Street
Suite 307
St. Charles, MO 63303
636.978.7508 *tel*

DALLAS
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 *tel*

PHOENIX
2701 E. Camelback Road
Suite 175
Phoenix, AZ 85016
602.795.4111 *tel*

PROPERTY DESCRIPTION

BEING A CALLED 43.878 ACRE TRACT OF LAND SITUATED IN THE J.M. KINCAIDE SURVEY, ABSTRACT NO. 510, COLLIN COUNTY, TEXASBEING THAT SAME TRACT OF LAND DESCRIBED BY DEED TO YN LLC AS RECORDED IN DOCUMENT NO. 20180827001077280, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PBJ SURVEY" FOUND FOR THE SOUTHEAST CORNER OF SAID YN LLC TRACT AND SOUTHWEST CORNER OF A CALLED 26.39224 ACRES TRACT OF LAND DESCRIBED IN DEED TO MICHAEL J. HENDRICKS AS RECORDED IN VOLUME 2825, PAGE 366, O.P.R.C.C.T. AND WITH SAID CORNER BING IN THE NORTHERLY RIGHT-OF-WAY (R.O.W.) OF FARM-TO-MARKET (F.M.) ROAD NO. 455 (A CALLED VARIABLE WIDTH R.O.W.);

THENCE NORTH 43 DEGREES 23 MINUTES 55 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID YN LLC TRACT AND NORTHERLY R.O.W. LINE OF SAID F.M. NO. 455, A DISTANCE OF 543.52 FEET TO A WOOD R.O.W. MONUMENT FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 995.37 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH AN ARC LENGTH OF 215.71 FEET, AN INTERIOR (DELTA) ANGLE OF 12 DEGREES 24 MINUTES 59 SECONDS, A CHORD BEARING NORTH 49 DEGREES 36 MINUTES 12 SECONDS WEST AND A CHORD LENGTH OF 215.28 FEET TO A 1/2 INCH ROD FOUND FOR THE SOUTHWEST CORNER OF SAID YN LLC TRACT AND SOUTHEAST CORNER OF A CALLED 39.4464 ACRES TRACT OF LAND DESCRIBED IN DEED TO ROYCE SHAW AS RECORDED IN VOLUME 3825, PAGE 362, O.P.R.C.C.T.;

THENCE NORTH 45 DEGREES 57 MINUTES 19 SECONDS EAST, DEPARTING THE NORTHERLY R.O.W. OF SAID F.M. NO. 455 AND ALONG THE WESTERLY LINE OF SAID YN LLC TRACT AND WESTERLY LINE OF SAID SHAW TRACT, A DISTANCE OF 1891.83 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "COLE DESIGN GROUP #10193871" (TYPICAL) SET FOR THE NORTHWEST CORNER OF SAID YN LLC TRACT AND NORTHEAST CORNER OF SAID SHAW TRACT AND BEING IN THE SOUTH LINE OF A CALLED 10.07 ACRES TRACT OF LAND DESCRIBED IN DEED TO CIGANY RANCH, LLC AS RECORDED IN DOCUMENT NO. 20190708000793230, O.P.R.C.C.T.;

THENCE SOUTH 87 DEGREES 38 MINUTES 01 SECONDS EAST, ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY

RANCH TRACT, A DISTANCE OF 15.32 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 88 DEGREES 12 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY RANCH TRACT, PASSING THE SOUTHEAST CORNER OF SAID CIGANY RANCH TRACT AND SOUTHWEST CORNER OF A CALLED 15.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO KCKM PROPERTIES LLC AS RECORDED IN DOCUMENT NO. 20120328000359310, O.P.R.C.C.T. AND CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A TOTAL DISTANCE OF 284.90 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 204.91 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 318.80 FEET TO A POINT FOR THE NORTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT BEING IN HURRICANE CREEK AND BEING IN THE WESTERLY LINE OF A CALLED 4.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO DWIGHT CRIGGERS AS RECORDED IN DOCUMENT NO. 20090108000022530, O.P.R.C.C.T.;

THENCE CONTINUING ALONG THE COMMON WESTERLY LINE OF SAID CRIGGERS TRACT AND EASTERLY LINE OF SAID YN LLC TRACT AND ALONG HURRICANE CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 46 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 77.13 FEET TO A POINT FOR CORNER;
SOUTH 23 DEGREES 05 MINUTES 47 SECONDS WEST, A DISTANCE OF 224.25 FEET TO A POINT FOR CORNER;
SOUTH 26 DEGREES 24 MINUTES 03 SECONDS WEST, A DISTANCE OF 123.55 FEET TO A POINT FOR CORNER;
SOUTH 44 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 29.00 FEET TO A POINT FOR CORNER;
SOUTH 19 DEGREES 14 MINUTES 05 SECONDS WEST, A DISTANCE OF 99.00 FEET TO A POINT FOR CORNER;
SOUTH 7 DEGREES 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 79.00 FEET TO A POINT FOR CORNER;
SOUTH 74 DEGREES 44 MINUTES 04 SECONDS EAST, A DISTANCE OF 93.64 FEET TO A POINT FOR CORNER;
SOUTH 16 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 145.00 FEET TO A POINT FOR THE SOUTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT, SOUTHWEST CORNER OF SAID CRIGGERS TRACT AND NORTHERNMOST CORNER OF SAID HENDRICKS TRACT;

THENCE SOUTH 54 DEGREES 33 MINUTES 34 SECONDS WEST, DEPARTING SIDE HURRICANE CREEK AND ALONG THE COMMON EAST LINE OF SAID YN LLC TRACT AND WEST LINE OF SAID HENDRICKS TRACT, A DISTANCE OF 1883.98 FEET TO THE **POINT OF BEGINNING**, AND **CONTAINING**, WITHIN THE METES AND BOUNDS HEREIN RECITED, 43.878 ACRES (1,911,347 SQUARE FEET) OF LAND, MORE OR LESS.

COLE DESIGN GROUP, INC.
BRANCH REGISTRATION NUMBER 10193871

DANIEL L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5577
EMAIL: LJACKSON@COLETX.COM
PROJECT NO. 21-0180

STATE OF TEXAS
REGISTERED
DANIEL L. JACKSON
5577
PROFESSIONAL
LAND SURVEYOR

AGREEMENT REGARDING SERVICES

This Agreement Regarding Services (this "Agreement" or "Service Plan") is entered into this 22nd day of March, 2022 by and between Yn, LLC, and the City of Anna, Texas a home rule municipality.

SUBJECT PROPERTY

The real property that is the subject of this Service Plan is described as follows:

parkHAUS – Anna West. 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

AGREEMENT CONDITIONED ON ANNEXATION

This Agreement is conditioned on the City of Anna City Council adopting an ordinance annexing the Subject Property described above on or before the 22nd day of March, 2022. If the City Council does not adopt such ordinance on or before said date then this Agreement shall be null and void in its entirety. Nothing in this Agreement shall require the City Council to annex the Subject Property.

POLICE PROTECTION

On the effective date of annexation, the City of Anna, Texas and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

FIRE PROTECTION

On the effective date of annexation, the City of Anna, Texas and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

EMERGENCY MEDICAL SERVICES

On the effective date of annexation, the City of Anna, Texas, through its contract with Collin County or another service provider, will provide emergency medical services to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

SOLID WASTE COLLECTION

On the effective date of annexation, the City of Anna, Texas, through its contract with CARDS Dallas, Inc. or another service provider, will provide solid waste collection to residents and businesses in the newly annexed area (to the extent that the service provider has access to the area to be serviced) at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area. Such service will be provided in accordance with existing City policies and Ordinances, and only upon payment of any required deposits and the agreement to pay lawful service fees and charges for solid waste collection. Solid waste collection through a subscription with the City's solid waste franchisee is mandatory for City of Anna residents and businesses operating within the city limits unless provided for otherwise by ordinance.

WATER AND WASTEWATER FACILITIES

On the effective date of annexation, any and all water or wastewater facilities owned by the City of Anna, Texas at the time of annexation shall be maintained and operated by the City of Anna, Texas. Of such facilities, the City will maintain the main water transmission and wastewater collection lines. All water and wastewater service lines from the building to the easement or right-of-way line, shall be maintained by the property owner served by the service connection.

Residents and owners of property in newly annexed areas that are located within the City's water or wastewater CCN will be offered water and wastewater service in accordance with City policies and ordinances in existence at the time of annexation or as may be amended from time-to-time by the City Council. Generally, these ordinances state that the landowner or customer must bear the cost of construction of water and wastewater system facilities to a point where suitable connection to the existing system can be made and service to the customer can be provided. All water and wastewater facilities designed to connect to the City's existing system must be approved by the City and meet all City zoning, subdivision, and other development ordinances and requirements.

ROADS AND STREETS

On the effective date of annexation, any and all existing public roads or streets in the newly annexed area which have been dedicated to Collin County, Texas or to the City of Anna, Texas, or which are owned by the City of Anna, Texas shall be maintained to the same degree and extent that other roads and streets are maintained in areas of the City with similar topography land use and population density. Specific maintenance activities are determined by available funding and the need for maintenance as determined by the City. The City is not obligated to maintain any portion of a private road or street. Any and all lighting of roads and streets which may be positioned in a public right of way, roadway or utility company easement shall be maintained by the applicable utility company servicing that area of the City of Anna, Texas pursuant to the rules regulations and fees of such utility.

An owner of land within the newly annexed area that desires to develop said property will be required pursuant to the ordinances of the City of Anna, Texas to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Anna, Texas.

PARKS PLAYGROUNDS AND SWIMMING POOLS OR ANY OTHER PUBLICLY OWNED FACILITY BUILDING OR SERVICE

The City Council of the City of Anna, Texas is not aware of the existence of any public parks, public playgrounds, public swimming pools, or any other publicly owned facility, building or service now located in the area proposed for annexation. In the event any such parks, playgrounds, swimming pools, or any other public facilities, buildings or services do exist and are public facilities, the City of Anna, Texas will maintain such areas upon annexation to the same extent and degree that it maintains public parks, public playgrounds, public swimming pools, other public facilities buildings or services and other similar areas of the City now incorporated in the City of Anna, Texas.

To the extent that it becomes necessary because of development demands population growth or a bona fide need, the City Council of the City of Anna, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

OTHER MUNICIPAL SERVICES

Following annexation by the City of Anna, Texas, the City will provide code enforcement, planning, and animal control services to the newly annexed area, to the extent such services are funded in the annual budget and provided by the City within its full-purpose boundaries. In addition, the City will provide other municipal services that the City may from time to time provide to other similarly situated areas within the City's corporate limits. The services referenced in this paragraph will be provided to the newly annexed area at

the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

CONSTRUCTION OF CAPITAL IMPROVEMENTS

The City Council of the City of Anna, Texas finds and determines it may be necessary to acquire or construct specific capital improvements for the purposes of providing full municipal services to the newly annexed area. These capital improvements shall be constructed as part of the development of the property and may be eligible for impact fee reimbursement. Subject to the foregoing, the City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of service which exists in and is presently being administered to other areas already incorporated in the City of Anna, Texas with the same or similar topography, land use and population density.

SPECIFIC FINDINGS

The City Council of the City of Anna, Texas finds and determines that this Service Plan will not provide any fewer services and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process. Furthermore, the City Council of the City of Anna, Texas finds and determines that the rural nature of the area is characteristically different from other more highly developed areas within the corporate limits of the City of Anna, Texas. Consequently because of the differing characteristics of topography, land use, and population density the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City of Anna, Texas. These differences are specifically dictated because of differing characteristics of the property. The City of Anna, Texas will undertake to perform consistent with this contract so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Anna, Texas who reside in areas of similar topography, land use and population density.

AMENDMENTS

This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions or subsequent occurrences pursuant to Texas Local Government Code, Section 43.056.

Owner(s):

Yn, LLC
a Texas Limited Liability Company

By: Yn, LLC
a Texas Limited Liability Company
Its Manager

By:_____
Name: Jaya Deepika Bathina
Title: Manager

IN WITNESS WHEROF:
STATE OF _____ §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 20____, by _____ as owner of _____.

_____
Notary Public, State of Texas

City of Anna:

By:_____
Name: Jim Proce
Title: City Manager

IN WITNESS WHEROF:
STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 22nd day of March, 2022, by Jim Proce as representative of the City of Anna.

_____
Notary Public, State of Texas

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION ADOPTING A CONDITIONAL AGREEMENT REGARDING SERVICES RELATED TO ANNEXATION OF A 43.9± ACRE TRACT OF LAND

WHEREAS, Chapter 43 of the Texas Local Government Code authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the City of Anna, Texas (the "City") is a Texas home-rule municipality; and

WHEREAS, Section 43.0671 of the Texas Local Government Code authorizes a municipality to extend the boundaries of the municipality and annex areas by request of the owner(s) of the areas; and

WHEREAS, on or about January 10, 2022, the respective owners submitted a written request to the City for annexation of a tract of land into the corporate limits of the City (the "Annexation Tract"); and

WHEREAS, the Annexation Tract is a 43.9± acre tract of land situated within the J.M. Kincaide Survey, Abstract No. 510, Collin County, Texas, being all of a tract conveyed to YN, LLC, by deed recorded in Document No. 20180827001077280 in Deed Records of Collin County, Texas; and

WHEREAS, the Annexation Tract is described more specifically in EXHIBIT A, attached hereto; and

WHEREAS, the owners of the Annexation Tract have executed a conditional written agreement regarding municipal services to be provided by the City in accordance with Texas Local Government Code § 43.0672 (the "Conditional Agreement") and said agreement is as set forth in EXHIBIT B, attached hereto; and

WHEREAS, the Conditional Agreement is conditioned on the City of Anna City Council (the "City Council") adopting an ordinance annexing the Annexation Tract described above on or before the 8th day of March 2022 and if the City Council does not adopt such ordinance on or before said date then the Conditional Agreement shall be null and void in its entirety; and

WHEREAS, the City desires to adopt and enter into the Conditional Agreement; provided, however, that the Conditional Agreement shall not require the City Council to annex the Annexation Tract;

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

SECTION 1. The recitals set forth above are hereby incorporated in this resolution as if set forth in full for all purposes.

SECTION 2. The City Council hereby approves and enters into the Conditional Agreement and authorizes the City Manager to execute said agreement on behalf of the City.

SECTION 3. This resolution shall become effective immediately upon the date and time of its adoption and it is accordingly so resolved.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THIS THE 8TH DAY OF MARCH 2022.

CITY OF ANNA, TEXAS

_____

NATE PIKE
MAYOR

ATTEST:

_____

CARRIE L. LAND
CITY SECRETARY

cole®

ST. LOUIS
Power House at Union Station
401 S. 18th Street, Suite 200
St. Louis, MO 63103
314.984.9887 *tel*

ST. CHARLES
1520 S. Fifth Street
Suite 307
St. Charles, MO 63303
636.978.7508 *tel*

DALLAS
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 *tel*

PHOENIX
2701 E. Camelback Road
Suite 175
Phoenix, AZ 85016
602.795.4111 *tel*

PROPERTY DESCRIPTION

BEING A CALLED 43.878 ACRE TRACT OF LAND SITUATED IN THE J.M. KINCAIDE SURVEY, ABSTRACT NO. 510, COLLIN COUNTY, TEXASBEING THAT SAME TRACT OF LAND DESCRIBED BY DEED TO YN LLC AS RECORDED IN DOCUMENT NO. 20180827001077280, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PBJ SURVEY" FOUND FOR THE SOUTHEAST CORNER OF SAID YN LLC TRACT AND SOUTHWEST CORNER OF A CALLED 26.39224 ACRES TRACT OF LAND DESCRIBED IN DEED TO MICHAEL J. HENDRICKS AS RECORDED IN VOLUME 2825, PAGE 366, O.P.R.C.C.T. AND WITH SAID CORNER BING IN THE NORTHERLY RIGHT-OF-WAY (R.O.W.) OF FARM-TO-MARKET (F.M.) ROAD NO. 455 (A CALLED VARIABLE WIDTH R.O.W.);

THENCE NORTH 43 DEGREES 23 MINUTES 55 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID YN LLC TRACT AND NORTHERLY R.O.W. LINE OF SAID F.M. NO. 455, A DISTANCE OF 543.52 FEET TO A WOOD R.O.W. MONUMENT FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 995.37 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH AN ARC LENGTH OF 215.71 FEET, AN INTERIOR (DELTA) ANGLE OF 12 DEGREES 24 MINUTES 59 SECONDS, A CHORD BEARING NORTH 49 DEGREES 36 MINUTES 12 SECONDS WEST AND A CHORD LENGTH OF 215.28 FEET TO A 1/2 INCH ROD FOUND FOR THE SOUTHWEST CORNER OF SAID YN LLC TRACT AND SOUTHEAST CORNER OF A CALLED 39.4464 ACRES TRACT OF LAND DESCRIBED IN DEED TO ROYCE SHAW AS RECORDED IN VOLUME 3825, PAGE 362, O.P.R.C.C.T.;

THENCE NORTH 45 DEGREES 57 MINUTES 19 SECONDS EAST, DEPARTING THE NORTHERLY R.O.W. OF SAID F.M. NO. 455 AND ALONG THE WESTERLY LINE OF SAID YN LLC TRACT AND WESTERLY LINE OF SAID SHAW TRACT, A DISTANCE OF 1891.83 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "COLE DESIGN GROUP #10193871" (TYPICAL) SET FOR THE NORTHWEST CORNER OF SAID YN LLC TRACT AND NORTHEAST CORNER OF SAID SHAW TRACT AND BEING IN THE SOUTH LINE OF A CALLED 10.07 ACRES TRACT OF LAND DESCRIBED IN DEED TO CIGANY RANCH, LLC AS RECORDED IN DOCUMENT NO. 20190708000793230, O.P.R.C.C.T.;

THENCE SOUTH 87 DEGREES 38 MINUTES 01 SECONDS EAST, ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY

RANCH TRACT, A DISTANCE OF 15.32 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 88 DEGREES 12 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY RANCH TRACT, PASSING THE SOUTHEAST CORNER OF SAID CIGANY RANCH TRACT AND SOUTHWEST CORNER OF A CALLED 15.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO KCKM PROPERTIES LLC AS RECORDED IN DOCUMENT NO. 20120328000359310, O.P.R.C.C.T. AND CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A TOTAL DISTANCE OF 284.90 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 204.91 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 318.80 FEET TO A POINT FOR THE NORTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT BEING IN HURRICANE CREEK AND BEING IN THE WESTERLY LINE OF A CALLED 4.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO DWIGHT CRIGGERS AS RECORDED IN DOCUMENT NO. 20090108000022530, O.P.R.C.C.T.;

THENCE CONTINUING ALONG THE COMMON WESTERLY LINE OF SAID CRIGGERS TRACT AND EASTERLY LINE OF SAID YN LLC TRACT AND ALONG HURRICANE CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 46 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 77.13 FEET TO A POINT FOR CORNER;
SOUTH 23 DEGREES 05 MINUTES 47 SECONDS WEST, A DISTANCE OF 224.25 FEET TO A POINT FOR CORNER;
SOUTH 26 DEGREES 24 MINUTES 03 SECONDS WEST, A DISTANCE OF 123.55 FEET TO A POINT FOR CORNER;
SOUTH 44 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 29.00 FEET TO A POINT FOR CORNER;
SOUTH 19 DEGREES 14 MINUTES 05 SECONDS WEST, A DISTANCE OF 99.00 FEET TO A POINT FOR CORNER;
SOUTH 7 DEGREES 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 79.00 FEET TO A POINT FOR CORNER;
SOUTH 74 DEGREES 44 MINUTES 04 SECONDS EAST, A DISTANCE OF 93.64 FEET TO A POINT FOR CORNER;
SOUTH 16 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 145.00 FEET TO A POINT FOR THE SOUTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT, SOUTHWEST CORNER OF SAID CRIGGERS TRACT AND NORTHERNMOST CORNER OF SAID HENDRICKS TRACT;

THENCE SOUTH 54 DEGREES 33 MINUTES 34 SECONDS WEST, DEPARTING SIDE HURRICANE CREEK AND ALONG THE COMMON EAST LINE OF SAID YN LLC TRACT AND WEST LINE OF SAID HENDRICKS TRACT, A DISTANCE OF 1883.98 FEET TO THE **POINT OF BEGINNING**, AND **CONTAINING**, WITHIN THE METES AND BOUNDS HEREIN RECITED, 43.878 ACRES (1,911,347 SQUARE FEET) OF LAND, MORE OR LESS.

COLE DESIGN GROUP, INC.
BRANCH REGISTRATION NUMBER 10193871

DANIEL L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5577
EMAIL: LJACKSON@COLETX.COM
PROJECT NO. 21-0180

STATE OF TEXAS
REGISTERED
DANIEL L. JACKSON
5577
PROFESSIONAL
LAND SURVEYOR

AGREEMENT REGARDING SERVICES

This Agreement Regarding Services (this "Agreement" or "Service Plan") is entered into this 22nd day of March, 2022 by and between Yn, LLC, and the City of Anna, Texas a home rule municipality.

SUBJECT PROPERTY

The real property that is the subject of this Service Plan is described as follows:

parkHAUS – Anna West. 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287.

AGREEMENT CONDITIONED ON ANNEXATION

This Agreement is conditioned on the City of Anna City Council adopting an ordinance annexing the Subject Property described above on or before the 22nd day of March, 2022. If the City Council does not adopt such ordinance on or before said date then this Agreement shall be null and void in its entirety. Nothing in this Agreement shall require the City Council to annex the Subject Property.

POLICE PROTECTION

On the effective date of annexation, the City of Anna, Texas and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

FIRE PROTECTION

On the effective date of annexation, the City of Anna, Texas and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

EMERGENCY MEDICAL SERVICES

On the effective date of annexation, the City of Anna, Texas, through its contract with Collin County or another service provider, will provide emergency medical services to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

SOLID WASTE COLLECTION

On the effective date of annexation, the City of Anna, Texas, through its contract with CARDS Dallas, Inc. or another service provider, will provide solid waste collection to residents and businesses in the newly annexed area (to the extent that the service provider has access to the area to be serviced) at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area. Such service will be provided in accordance with existing City policies and Ordinances, and only upon payment of any required deposits and the agreement to pay lawful service fees and charges for solid waste collection. Solid waste collection through a subscription with the City's solid waste franchisee is mandatory for City of Anna residents and businesses operating within the city limits unless provided for otherwise by ordinance.

WATER AND WASTEWATER FACILITIES

On the effective date of annexation, any and all water or wastewater facilities owned by the City of Anna, Texas at the time of annexation shall be maintained and operated by the City of Anna, Texas. Of such facilities, the City will maintain the main water transmission and wastewater collection lines. All water and wastewater service lines from the building to the easement or right-of-way line, shall be maintained by the property owner served by the service connection.

Residents and owners of property in newly annexed areas that are located within the City's water or wastewater CCN will be offered water and wastewater service in accordance with City policies and ordinances in existence at the time of annexation or as may be amended from time-to-time by the City Council. Generally, these ordinances state that the landowner or customer must bear the cost of construction of water and wastewater system facilities to a point where suitable connection to the existing system can be made and service to the customer can be provided. All water and wastewater facilities designed to connect to the City's existing system must be approved by the City and meet all City zoning, subdivision, and other development ordinances and requirements.

ROADS AND STREETS

On the effective date of annexation, any and all existing public roads or streets in the newly annexed area which have been dedicated to Collin County, Texas or to the City of Anna, Texas, or which are owned by the City of Anna, Texas shall be maintained to the same degree and extent that other roads and streets are maintained in areas of the City with similar topography land use and population density. Specific maintenance activities are determined by available funding and the need for maintenance as determined by the City. The City is not obligated to maintain any portion of a private road or street. Any and all lighting of roads and streets which may be positioned in a public right of way, roadway or utility company easement shall be maintained by the applicable utility company servicing that area of the City of Anna, Texas pursuant to the rules regulations and fees of such utility.

An owner of land within the newly annexed area that desires to develop said property will be required pursuant to the ordinances of the City of Anna, Texas to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Anna, Texas.

PARKS PLAYGROUNDS AND SWIMMING POOLS OR ANY OTHER PUBLICLY OWNED FACILITY BUILDING OR SERVICE

The City Council of the City of Anna, Texas is not aware of the existence of any public parks, public playgrounds, public swimming pools, or any other publicly owned facility, building or service now located in the area proposed for annexation. In the event any such parks, playgrounds, swimming pools, or any other public facilities, buildings or services do exist and are public facilities, the City of Anna, Texas will maintain such areas upon annexation to the same extent and degree that it maintains public parks, public playgrounds, public swimming pools, other public facilities buildings or services and other similar areas of the City now incorporated in the City of Anna, Texas.

To the extent that it becomes necessary because of development demands population growth or a bona fide need, the City Council of the City of Anna, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

OTHER MUNICIPAL SERVICES

Following annexation by the City of Anna, Texas, the City will provide code enforcement, planning, and animal control services to the newly annexed area, to the extent such services are funded in the annual budget and provided by the City within its full-purpose boundaries. In addition, the City will provide other municipal services that the City may from time to time provide to other similarly situated areas within the City's corporate limits. The services referenced in this paragraph will be provided to the newly annexed area at

the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

CONSTRUCTION OF CAPITAL IMPROVEMENTS

The City Council of the City of Anna, Texas finds and determines it may be necessary to acquire or construct specific capital improvements for the purposes of providing full municipal services to the newly annexed area. These capital improvements shall be constructed as part of the development of the property and may be eligible for impact fee reimbursement. Subject to the foregoing, the City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of service which exists in and is presently being administered to other areas already incorporated in the City of Anna, Texas with the same or similar topography, land use and population density.

SPECIFIC FINDINGS

The City Council of the City of Anna, Texas finds and determines that this Service Plan will not provide any fewer services and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process. Furthermore, the City Council of the City of Anna, Texas finds and determines that the rural nature of the area is characteristically different from other more highly developed areas within the corporate limits of the City of Anna, Texas. Consequently because of the differing characteristics of topography, land use, and population density the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City of Anna, Texas. These differences are specifically dictated because of differing characteristics of the property. The City of Anna, Texas will undertake to perform consistent with this contract so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Anna, Texas who reside in areas of similar topography, land use and population density.

AMENDMENTS

This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions or subsequent occurrences pursuant to Texas Local Government Code, Section 43.056.

Owner(s):

Yn, LLC
a Texas Limited Liability Company

By: Yn, LLC
a Texas Limited Liability Company
Its Manager

By:_____
Name: Jaya Deepika Bathina
Title: Manager

IN WITNESS WHEROF:
STATE OF _____ §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 20____, by _____ as owner of _____.

_____
Notary Public, State of Texas

City of Anna:

By:_____
Name: Jim Proce
Title: City Manager

IN WITNESS WHEROF:
STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 22nd day of March, 2022, by Jim Proce as representative of the City of Anna.

_____
Notary Public, State of Texas

Item No. 7.d.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Zoning - Anna West (Director of Development Services Ross Altobelli)

1) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to establish zoning for 43.9± acres located on the north side of Farm-to-Market Road 455, 250± feet west of County Road 287. Currently zoned: Extraterritorial Jurisdiction (ETJ).

2) Consider/Discuss/Action on a Resolution regarding the Anna West, Block A, Lot 1, Concept Plan.

SUMMARY:
The applicant is proposing multiple-family zoning standards in order to allow for a layout that would support one- and two-story, one-, two-, and three-bedroom unit buildings.

A Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly 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. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

A concept plan (Exhibit B), Anna West, accompanies this request.

<u>Surrounding Land Uses and Zoning</u>

North - Single-family residences located in the Extraterritorial Jurisdiction (ETJ).
East - Vacant land located in the Extraterritorial Jurisdiction (ETJ).
South - Vacant land located in the Extraterritorial Jurisdiction (ETJ).
West - Vacant land located in the Extraterritorial Jurisdiction (ETJ).

<u>Proposed Planned Development Stipulations</u>

The language in the proposed PD district would allow for modified development standards associated with the multiple-family residence development.

Two-Story Building Setback – The MF-2 zoning (Sec. 9.04.020) contains two provisions regarding the setback for buildings that exceed one-story in height.

The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

A portion of the building that is no more than one story tall shall observe a minimum setback from the rear property line of 15 feet. Any portion of the building that is more than one story tall shall observe a minimum setback from the rear property line of 25 feet.

 The applicant is requesting to waive the 60-foot setback for two story buildings adjacent to existing single-family. The property's rear yard is adjacent to a property located within the ETJ with an existing single-family, detached dwelling. The existing single-family dwelling is greater than 300 feet from the property line and separated by a dense tree line. Properties within the ETJ do not follow zoning regulations and can change from residential to commercial without notifying the city. As illustrated on the concept plan, the setbacks are following all other provisions of the MF-2 zoning district. The buildings are setback greater than 50 feet from the rear yard and greater than 15 feet from the side yards.

Courts – Multifamily residences of Sec. 9.04.033 (special uses) requires inner courts faces of all opposite walls to be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.

 The applicant is proposing to reduce this to 20 feet.

Parking - Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance require a minimum of 2 parking spaces per dwelling unit for multiple-family dwellings, plus 0.25 spaces per dwelling unit for visitor parking. Additionally, 75% of the required parking is required to be covered.

 The applicant is proposing to reduce the required covered parking from 449 (75%) to 337 (56%). Most units will have direct access to private one- or two-car garages.

Screening fence - The MF-2 zoning requires border fencing of masonry construction no less than eight feet in height be installed along the property line on any perimeter not abutting a public street-right-of-way.

 The applicant is requesting to install a six-foot-high ornamental metal fence with masonry columns. Being located in the ETJ and with a portion of the property within the 100-year floodplain, an ornamental fence will soften the appearance of the development.

Refuse Facilities - Rather than have multiple dumpsters,

 The application is proposing one compactor on-site. Additionally, the development will utilize a valet waste service to collect residents' trash directly on scheduled days.

Landscaping – The applicant is proposing drip-line irrigation and increasing the required distance between trees and parking spaces. Additionally, the development will alternate trees within the parking areas to provide space for mechanical and electrical equipment necessary for the development.

Conformance with the Comprehensive Plan

Future Land Use Plan

The Future Land Use Plan designates this property as Ranching & Agriculture (RA). This category is only generally defined within the current Comprehensive Plan.

Land Use Considerations: Cluster Residential may be permitted within a larger Ranching and Agriculture property if an amount of open space equal to the platted lots is preserved and water and wastewater requirements can be met.

The Anna 2050 Future Land Use Plan identifies areas that require significant infrastructure improvements as Ranching & Agricultural but could develop as Cluster Residential. The proposed low-density multiple-family residence meets the intent of the Cluster Residential designation.

SUMMARY:

Request to zone 43.9± acres located on the north side of F.M. 455, 250± feet west of CR 287 to Planned Development-Multiple-Family Residential – High Density (MF-2) with modified development standards for multiple-family residences on one lot. The property is currently located in the extraterritorial jurisdiction (ETJ) and the applicant has submitted an annexation petition.

The request is in conformance with the Future Land Use Plan and elements of the City of Anna Strategic Plan and Anna 2050 Comprehensive Plan.

RECOMMENDATION:

Contained within the attached Ordinance are recommended restrictions if the Council votes in favor of the request:

Staff will provide the Planning & Zoning Commissions recommendation at the Council meeting.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

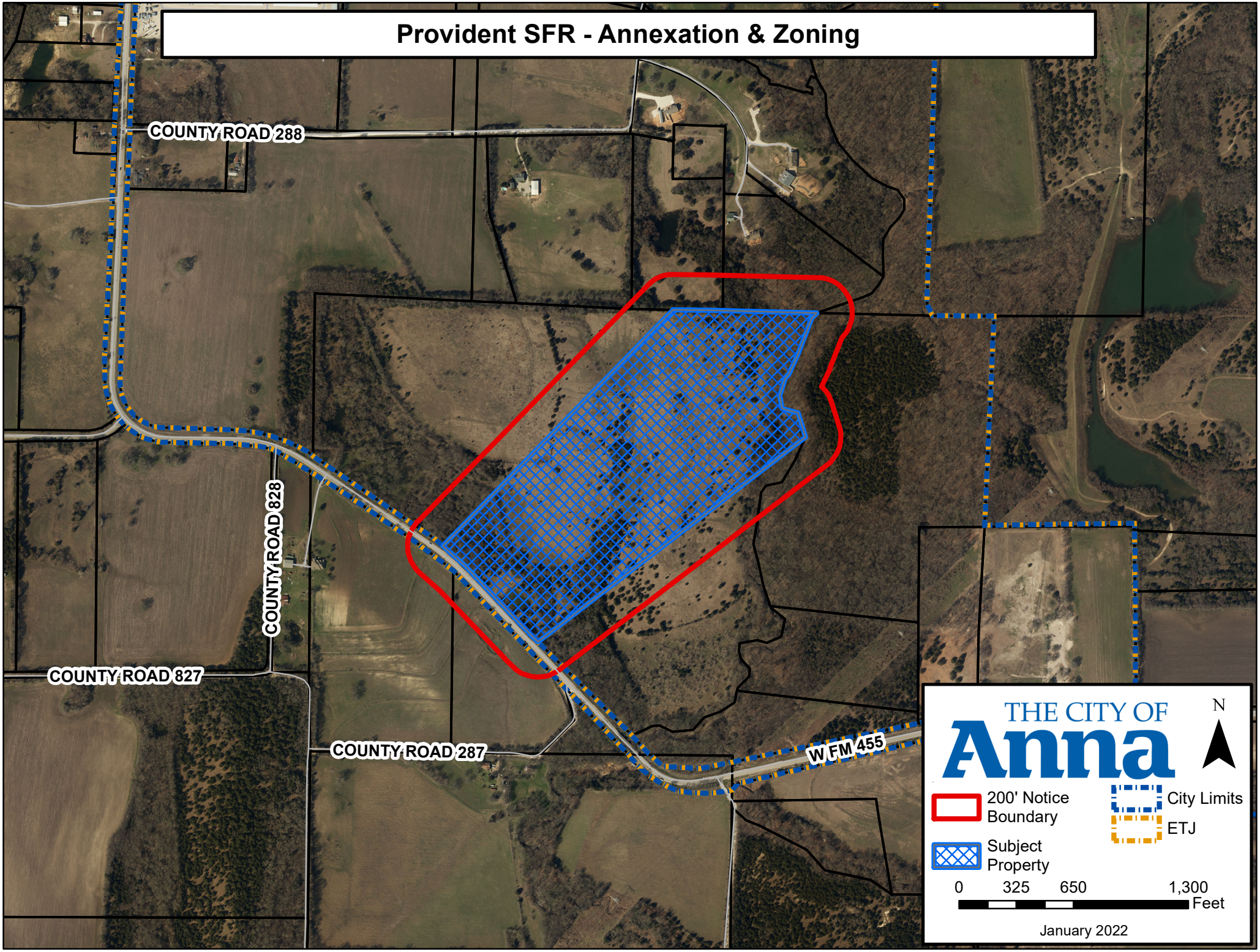
STAFF RECOMMENDATION:
N/A

ATTACHMENTS:
1. Locator Anna West
2. Ordinance & Exhibits (Zoning) Anna West, Block A, Lot 1
3. Resolution & Exhibit (CP) Anna West, Block A, Lot 1
4. PZ - STAFF REPORT (Zoning) - Anna West

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Provident SFR - Annexation & Zoning



L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS
(Property zoned under this ordinance is generally located on the north side of F.M. 455, 250± feet west of CR 287.)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the zoning in the City; and

WHEREAS, the City has received a requested zoning amendment from Yn, LLC on Property described in Exhibit A ("Property") attached hereto and incorporated herein for all purposes as if set forth in full; and

WHEREAS, said Property generally located on the north side of F.M. 455, 250± feet west of CR 287 to be zoned Planned Development-MF-2 Multiple-Family Residential – High Density; and

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

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

Section 1. **Recitals Incorporated**

The above recitals are incorporated herein by reference for all purposes.

Section 2. **Zoning Change**

The Anna City Code of Ordinances (the "Anna Code") are hereby amended by amending the zoning of the Property described in Exhibit A and as depicted in the Concept Plan on the attached Exhibit B.

1. **Purpose.**

The purpose of this Planned Development District is to facilitate the development of a high-quality Multiple-Family Residences project.

2. Definitions.

Except as otherwise provided herein, the definitions in Appendix 3 of the City's Zoning Ordinance shall apply.

3. Development Standards.

Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the "MF-2" Multiple-Family Residential – High Density and the Planning and Development Regulations except as otherwise specified herein.

1. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit B).

2. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the MF-2 Multiple-Family Residential - High Density (MF-2) zoning district and the Planning and Development Regulations except as otherwise specified herein.

A. Maximum number of units: 299

B. Two-story setback: Two-story buildings shall be set back a minimum of 25 feet when adjacent to properties with existing single-family, detached dwellings.

C. Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 20 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.

D. Covered parking: 50% of the required parking must be covered.

E. Screening Device Requirements

i. Minimum height: 6'

ii. Location: Along the property line on any perimeter not abutting a public street, floodway, open greenspace, or right-of-way.

iii. Material Options:

i. Brick masonry, stone masonry, precast concrete or other architectural masonry finish. (No thin-wall masonry allowed; “thin wall” is defined as any wall 2-1/2" or less in width);

ii. Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 100' on center with structural supports spaced every 10', and with sufficient evergreen landscaping to create a screening effect;

iii. Living plant screen (only upon approval by the planning and zoning commission through the site plan process); or

iv. Alternate equivalent screening (only upon approval by the planning and zoning commission through the site plan process).

F. Refuse facilities:

i. Every dwelling unit in a multifamily complex that is not served by private valet trash services shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way.

ii. In the event that the complex is served by a trash compactor, there shall be available at all times at least three cubic yards of refuse container per 30 multifamily dwelling units.

iii. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a or [sic] wall of Masonry not less than seven feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

G. Landscaping

i. A landscape island shall be located at the terminus of each parking row, every other landscape island shall contain at least one tree.

ii. Landscape areas shall have a landscaped area with at least one tree within 100 feet of every parking space.

iii. Drip-line place on grade may be used for irrigation of required landscaping.

Section 3. **Official Zoning Map**

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

Section 4. **Savings, Repealing and Severability Clauses**

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict. Notwithstanding any provision of this ordinance or the Anna Code, it is intended that this ordinance fully comply with Chapter 3000 of the Texas Government Code ("Chapter 3000") and this ordinance shall and the City Code shall be interpreted in a manner to comply with Chapter 3000. For the purposes of this ordinance, any provision of the City Code that does not comply with Chapter 3000 shall be deemed to have been excluded and not a part of this ordinance.

Section 5. **Penalty**

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed $2,000 for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

Section 6. **Publication of the Caption and Effective Date**

This ordinance shall be effective upon its passage by the City Council, approval by the Mayor, and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas this 8th day of March 2022.

ATTESTED:	APPROVED:
_____	_____
Carrie L. Land, City Secretary	Nate Pike, Mayor

ST. LOUIS
Power House at Union Station
401 S. 18th Street, Suite 200
St. Louis, MO 63103
314.984.9887 *tel*

ST. CHARLES
1520 S. Fifth Street
Suite 307
St. Charles, MO 63303
636.978.7508 *tel*

DALLAS
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 *tel*

PHOENIX
2701 E. Camelback Road
Suite 175
Phoenix, AZ 85016
602.795.4111 *tel*

PROPERTY DESCRIPTION

BEING A CALLED 43.878 ACRE TRACT OF LAND SITUATED IN THE J.M. KINCAIDE SURVEY, ABSTRACT NO. 510, COLLIN COUNTY, TEXASBEING THAT SAME TRACT OF LAND DESCRIBED BY DEED TO YN LLC AS RECORDED IN DOCUMENT NO. 20180827001077280, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PBJ SURVEY" FOUND FOR THE SOUTHEAST CORNER OF SAID YN LLC TRACT AND SOUTHWEST CORNER OF A CALLED 26.39224 ACRES TRACT OF LAND DESCRIBED IN DEED TO MICHAEL J. HENDRICKS AS RECORDED IN VOLUME 2825, PAGE 366, O.P.R.C.C.T. AND WITH SAID CORNER BING IN THE NORTHERLY RIGHT-OF-WAY (R.O.W.) OF FARM-TO-MARKET (F.M.) ROAD NO. 455 (A CALLED VARIABLE WIDTH R.O.W.);

THENCE NORTH 43 DEGREES 23 MINUTES 55 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID YN LLC TRACT AND NORTHERLY R.O.W. LINE OF SAID F.M. NO. 455, A DISTANCE OF 543.52 FEET TO A WOOD R.O.W. MONUMENT FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 995.37 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH AN ARC LENGTH OF 215.71 FEET, AN INTERIOR (DELTA) ANGLE OF 12 DEGREES 24 MINUTES 59 SECONDS, A CHORD BEARING NORTH 49 DEGREES 36 MINUTES 12 SECONDS WEST AND A CHORD LENGTH OF 215.28 FEET TO A 1/2 INCH ROD FOUND FOR THE SOUTHWEST CORNER OF SAID YN LLC TRACT AND SOUTHEAST CORNER OF A CALLED 39.4464 ACRES TRACT OF LAND DESCRIBED IN DEED TO ROYCE SHAW AS RECORDED IN VOLUME 3825, PAGE 362, O.P.R.C.C.T.;

THENCE NORTH 45 DEGREES 57 MINUTES 19 SECONDS EAST, DEPARTING THE NORTHERLY R.O.W. OF SAID F.M. NO. 455 AND ALONG THE WESTERLY LINE OF SAID YN LLC TRACT AND WESTERLY LINE OF SAID SHAW TRACT, A DISTANCE OF 1891.83 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "COLE DESIGN GROUP #10193871" (TYPICAL) SET FOR THE NORTHWEST CORNER OF SAID YN LLC TRACT AND NORTHEAST CORNER OF SAID SHAW TRACT AND BEING IN THE SOUTH LINE OF A CALLED 10.07 ACRES TRACT OF LAND DESCRIBED IN DEED TO CIGANY RANCH, LLC AS RECORDED IN DOCUMENT NO. 20190708000793230, O.P.R.C.C.T.;

THENCE SOUTH 87 DEGREES 38 MINUTES 01 SECONDS EAST, ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY

EXHIBIT A
2 OF 3

RANCH TRACT, A DISTANCE OF 15.32 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 88 DEGREES 12 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE COMMON NORTH LINE OF SAID YN LLC TRACT AND SOUTH LINE OF SAID CIGANY RANCH TRACT, PASSING THE SOUTHEAST CORNER OF SAID CIGANY RANCH TRACT AND SOUTHWEST CORNER OF A CALLED 15.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO KCKM PROPERTIES LLC AS RECORDED IN DOCUMENT NO. 20120328000359310, O.P.R.C.C.T. AND CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A TOTAL DISTANCE OF 284.90 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 204.91 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, CONTINUING ALONG THE COMMON LINE OF SAID YN LLC AND KCKM TRACTS FOR A DISTANCE OF 318.80 FEET TO A POINT FOR THE NORTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT BEING IN HURRICANE CREEK AND BEING IN THE WESTERLY LINE OF A CALLED 4.14 ACRES TRACT OF LAND DESCRIBED IN DEED TO DWIGHT CRIGGERS AS RECORDED IN DOCUMENT NO. 20090108000022530, O.P.R.C.C.T.;

THENCE CONTINUING ALONG THE COMMON WESTERLY LINE OF SAID CRIGGERS TRACT AND EASTERLY LINE OF SAID YN LLC TRACT AND ALONG HURRICANE CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 46 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 77.13 FEET TO A POINT FOR CORNER;
SOUTH 23 DEGREES 05 MINUTES 47 SECONDS WEST, A DISTANCE OF 224.25 FEET TO A POINT FOR CORNER;
SOUTH 26 DEGREES 24 MINUTES 03 SECONDS WEST, A DISTANCE OF 123.55 FEET TO A POINT FOR CORNER;
SOUTH 44 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 29.00 FEET TO A POINT FOR CORNER;
SOUTH 19 DEGREES 14 MINUTES 05 SECONDS WEST, A DISTANCE OF 99.00 FEET TO A POINT FOR CORNER;
SOUTH 7 DEGREES 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 79.00 FEET TO A POINT FOR CORNER;
SOUTH 74 DEGREES 44 MINUTES 04 SECONDS EAST, A DISTANCE OF 93.64 FEET TO A POINT FOR CORNER;
SOUTH 16 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 145.00 FEET TO A POINT FOR THE SOUTHERLY NORTHEAST CORNER OF SAID YN LLC TRACT, SOUTHWEST CORNER OF SAID CRIGGERS TRACT AND NORTHERNMOST CORNER OF SAID HENDRICKS TRACT;

EXHIBIT A
3 OF 3

THENCE SOUTH 54 DEGREES 33 MINUTES 34 SECONDS WEST, DEPARTING SIDE HURRICANE CREEK AND ALONG THE COMMON EAST LINE OF SAID YN LLC TRACT AND WEST LINE OF SAID HENDRICKS TRACT, A DISTANCE OF 1883.98 FEET TO THE **POINT OF BEGINNING**, AND **CONTAINING**, WITHIN THE METES AND BOUNDS HEREIN RECITED, 43.878 ACRES (1,911,347 SQUARE FEET) OF LAND, MORE OR LESS.

COLE DESIGN GROUP, INC.
BRANCH REGISTRATION NUMBER 10193871

DANIEL L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5577
EMAIL: LJACKSON@COLETX.COM
PROJECT NO. 21-0180

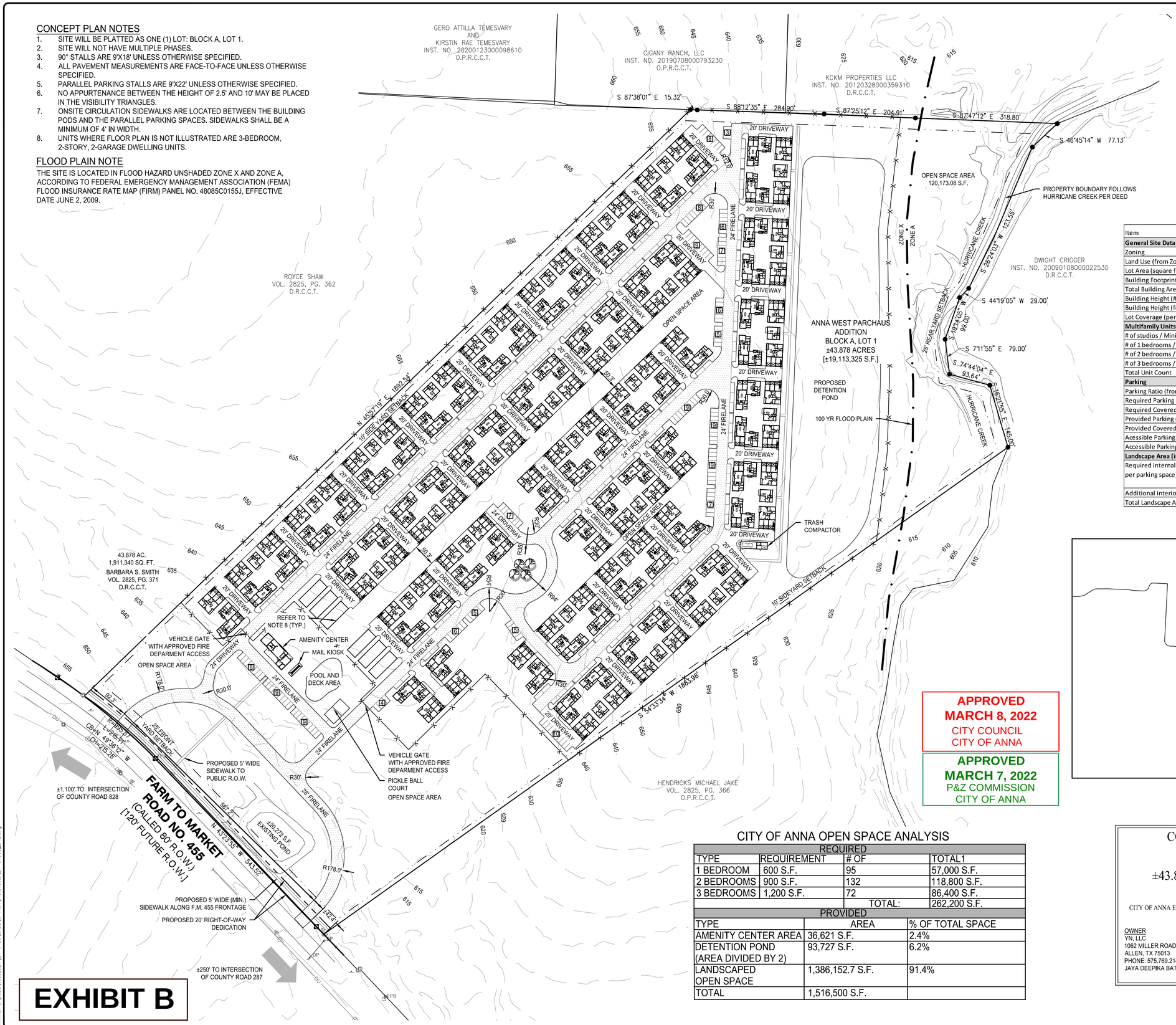
STATE OF TEXAS
REGISTERED
DANIEL L. JACKSON
5577
PROFESSIONAL
LAND SURVEYOR

CONCEPT PLAN NOTES

1. SITE WILL BE PLATTED AS ONE (1) LOT: BLOCK A, LOT 1.
2. SITE WILL NOT HAVE MULTIPLE PHASES.
3. 90° STALLS ARE 9'X18' UNLESS OTHERWISE SPECIFIED.
4. ALL PAVEMENT MEASUREMENTS ARE FACE-TO-FACE UNLESS OTHERWISE SPECIFIED.
5. PARALLEL PARKING STALLS ARE 9'X22' UNLESS OTHERWISE SPECIFIED.
6. NO APPURTENANCE BETWEEN THE HEIGHT OF 2.5' AND 10' MAY BE PLACED IN THE VISIBILITY TRIANGLES.
7. ONSITE CIRCULATION SIDEWALKS ARE LOCATED BETWEEN THE BUILDING PODS AND THE PARALLEL PARKING SPACES. SIDEWALKS SHALL BE A MINIMUM OF 4' IN WIDTH.
8. UNITS WHERE FLOOR PLAN IS NOT ILLUSTRATED ARE 3-BEDROOM, 2-STORY, 2-GARAGE DWELLING UNITS.

FLOOD PLAIN NOTE

THE SITE IS LOCATED IN FLOOD HAZARD UNSHADED ZONE X AND ZONE A, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT ASSOCIATION (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48085C0155J, EFFECTIVE DATE JUNE 2, 2009.



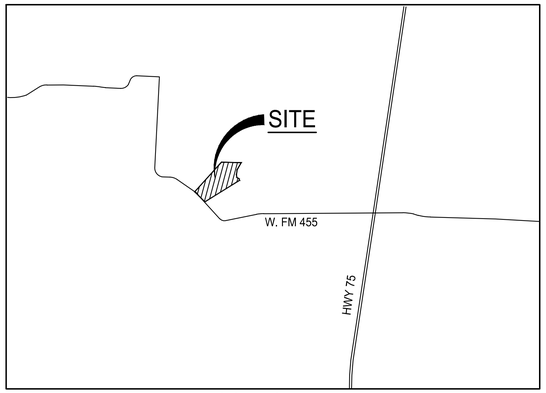
100' 0' 100' 200'
SCALE: 1" = 100'

LEGEND

—x— FENCE
FIRE LANE
10 HEAD-IN PARKING SPACE COUNT (TYP.)

SITE SUMMARY TABLE

Item	Lot 1
General Site Data	
Zoning	PD-MF-2
Land Use (from Zoning Ordinance)	Multiple Family Residence
Lot Area (square feet & acres)	1,911,346.8 sf [43.89 ac.]
Building Footprint Area (square feet)	311,745 sf
Total Building Area (square feet)	416,086 sf
Building Height (# of stories)	2 stories
Building Height (feet - distance to tallest building element)	26'-6"
Lot Coverage (percent - x.xx%)	24.36%
Multifamily Units	
# of studios / Minimum square feet	N/A
# of 1 bedrooms / Minimum square feet	95 / 833 sf
# of 2 bedrooms / Minimum square feet	132 / 1,077 sf
# of 3 bedrooms / Minimum square feet	72 / 1,577 sf
Total Unit Count	299
Parking	
Parking Ratio (from Zoning Ordinance)	2/unit + 0.25 guest parking/unit
Required Parking (# of spaces)	673
Required Covered Parking (# of spaces)	Total Spaces/2 = 337
Provided Parking (# of spaces)	674
Provided Covered Parking (# of spaces)	347
Acessible Parking Required (# of spaces)	13
Accessible Parking Provided (# of spaces)	13
Landscape Area (including turf areas)	
Required internal landscape area (square feet - 8 square feet per parking space)	5,392 s.f.
Additional interior landscape area provided (square feet)	37,461 s.f.
Total Landscape Area (square feet)	1,386,152.7 s.f.



LOCATION MAP
(NOT TO SCALE)

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

CITY OF ANNA OPEN SPACE ANALYSIS

REQUIRED			
TYPE	REQUIREMENT	# OF	TOTAL1
1 BEDROOM	600 S.F.	95	57,000 S.F.
2 BEDROOMS	900 S.F.	132	118,800 S.F.
3 BEDROOMS	1,200 S.F.	72	86,400 S.F.
		TOTAL:	262,200 S.F.

PROVIDED		
TYPE	AREA	% OF TOTAL SPACE
AMENITY CENTER AREA	36,621 S.F.	2.4%
DETENTION POND (AREA DIVIDED BY 2)	93,727 S.F.	6.2%
LANDSCAPED OPEN SPACE	1,386,152.7 S.F.	91.4%
TOTAL	1,516,500 S.F.	

CONCEPTUAL SITE PLAN
ANNA WEST
BLOCK A, LOT 1
±43.878-ACRE TRACT OF LAND

OUT OF THE
J.M. KINCAIDE SURVEY, ABSTRACT NO. 510
CITY OF ANNA EXTRATERRITORIAL JURISDICTION, COLLIN COUNTY, TEXAS

DATE: JANUARY 24, 2022

OWNER	ENGINEER / PREPARER	SURVEYOR
YN, LLC	COLE DESIGN GROUP	COLE DESIGN GROUP
1062 MILLER ROAD	6175 MAIN STREET	6175 MAIN STREET
ALLEN, TX 75013	SUITE 367	SUITE 367
PHONE: 575.769.2141	FRISCO, TEXAS 75034	FRISCO, TEXAS 75034
JAYA DEEPIKA BATHINA	PHONE: 469.880.7910	PHONE: 940.440.2696
	DYLAN T. BLACKSHEAR, P.E.	DANIEL L. JACKSON, RPLS

DATE	NO.	REVISION DESCRIPTION

DEVELOPER / OWNER:
PROVIDENT REALTY ADVISORS
10210 N. CENTRAL EXPRESSWAY
SUITE 300
DALLAS, TX 75231
PHONE 972-385-4155

This document is released for the purpose of preliminary review under the authority of DYLAN T. BLACKSHEAR P.E. No.117571 date: 1/28/22. It is not to be used for bidding, permitting or construction purposes.

ANNA WEST
FM 455
CITY OF ANNA ETJ, TEXAS

CONCEPT PLAN

cole®
+ DALLAS
Frisco Square
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 tel
www.colegroup.com
CIVIL ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE / GIS / ADA TRANSITION PLANNING
Texas Board of Professional Engineers and Land Surveyors
Registered Engineering Firm F-10233 Land Survey Corporate Registration #10193871
(All documents are instruments of service and are property of Cole and shall be returned upon request.)

DESIGN/CALC BY	MGZ
DRAWN BY	MGZ
CHECKED BY	DTB
DRAWING SCALE	1" = 100'
DATE	1/28/2022
Job Number	21-0180
Sheet Number	EXH.01

USER: Caleb Word TAB: CONCEPT PLAN
DATE: January 31, 2022 – 10:37:37 AM
DRAWING: S:\CIVIL\Jobs\2021\21-0180\CADD\C-Plan\Plot\Sheet\21-0180C_SITE.dwg

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA WEST, BLOCK A, LOT 1, CONCEPT PLAN

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

WHEREAS, YN, LLC has submitted an application for the approval of the Concept Plan for Anna West, Block A, Lot 1; and

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

Section 1. Recitals Incorporated.

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

Section 2. Approval of Revised Concept Plan

The City Council hereby approves the Concept Plan for Anna West, Block A, Lot 1 attached hereto as Exhibit A.

PASSED AND APPROVED by the City Council of the City of Anna, Texas, on this 8th day of March, 2022.

ATTEST:

_____
City Secretary, Carrie L. Land

APPROVED:

_____
Mayor, Nate Pike

CONCEPT PLAN NOTES

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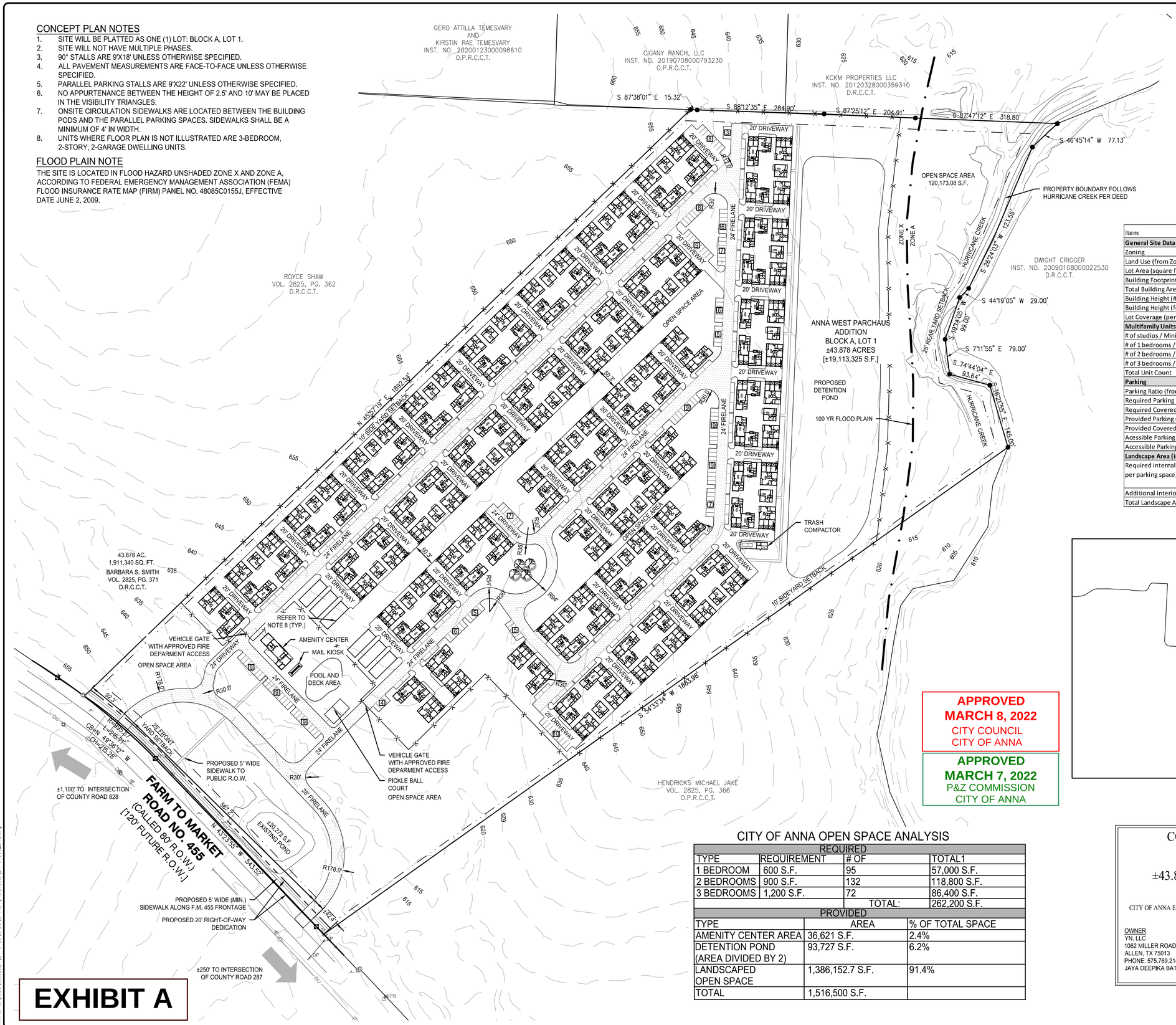

LEGEND

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	FIRE LANE
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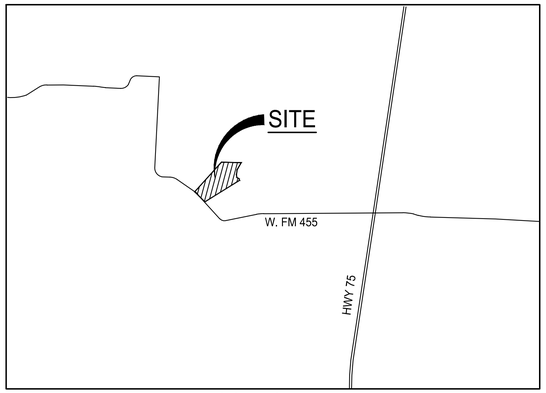


LOCATION MAP
(NOT TO SCALE)

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

CITY OF ANNA OPEN SPACE ANALYSIS

REQUIRED			
TYPE	REQUIREMENT	# OF	TOTAL1
1 BEDROOM	600 S.F.	95	57,000 S.F.
2 BEDROOMS	900 S.F.	132	118,800 S.F.
3 BEDROOMS	1,200 S.F.	72	86,400 S.F.
		TOTAL:	262,200 S.F.

PROVIDED		
TYPE	AREA	% OF TOTAL SPACE
AMENITY CENTER AREA	36,621 S.F.	2.4%
DETENTION POND (AREA DIVIDED BY 2)	93,727 S.F.	6.2%
LANDSCAPED OPEN SPACE	1,386,152.7 S.F.	91.4%
TOTAL	1,516,500 S.F.	

CONCEPTUAL SITE PLAN
ANNA WEST
BLOCK A, LOT 1
±43.878-ACRE TRACT OF LAND

OUT OF THE
J.M. KINCAIDE SURVEY, ABSTRACT NO. 510
CITY OF ANNA EXTRATERRITORIAL JURISDICTION, COLLIN COUNTY, TEXAS

DATE: JANUARY 24, 2022

OWNER	ENGINEER / PREPARER	SURVEYOR
YN, LLC	COLE DESIGN GROUP	COLE DESIGN GROUP
1062 MILLER ROAD	6175 MAIN STREET	6175 MAIN STREET
ALLEN, TX 75013	SUITE 367	SUITE 367
PHONE: 575.769.2141	FRISCO, TEXAS 75034	FRISCO, TEXAS 75034
JAYA DEEPIKA BATHINA	PHONE: 469.880.7910	PHONE: 940.440.2696
	DYLAN T. BLACKSHEAR, P.E.	DANIEL L. JACKSON, RPLS

EXHIBIT A

DATE	NO.	REVISION DESCRIPTION

DEVELOPER / OWNER:
PROVIDENT REALTY ADVISORS
10210 N. CENTRAL EXPRESSWAY
SUITE 300
DALLAS, TX 75231
PHONE 972-385-4155

This document is released for the purpose of preliminary review under the authority of DYLAN T. BLACKSHEAR P.E. No.117571 date: 1/28/22. It is not to be used for bidding, permitting or construction purposes.

ANNA WEST
FM 455
CITY OF ANNA ETJ, TEXAS

CONCEPT PLAN

cole®
+ DALLAS
Frisco Square
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 tel
www.colegroup.com
CIVIL ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE / GIS / ADA TRANSITION PLANNING
Texas Board of Professional Engineers and Land Surveyors
Registered Engineering Firm F-10233 Land Survey Corporate Registration #10193871
(Not authorized to practice engineering or land surveying in Alaska)

DESIGN/CALC BY	MGZ
DRAWN BY	MGZ
CHECKED BY	DTB
DRAWING SCALE	1" = 100'
DATE	1/28/2022
Job Number	21-0180
Sheet Number	EXH.01

USER: Caleb Ward TAB: CONCEPT PLAN
DATE: January 31, 2022 – 10:37:37 AM
DRAWING: S:\CWB\Jobs\2021\21-0180\CADD\C-Plan\Plot\Sheet\21-0180C_SITE.dwg

CITY OF ANNA

PLANNING & ZONING COMMISSION

March 7, 2022

Public Hearing: Zoning – Anna West

Applicant: Yn, LLC

DESCRIPTION:

Request to annex and establish zoning on 43.9± acres located on the north side of F.M. 455, 250± feet west of CR 287.

The proposed zoning will be Planned Development-Multiple-Family Residential – High Density (PD-MF-2).

HISTORY:

At the February 7, 2022 Planning & Zoning Commission meeting, a motion to recommend approval for the request failed to obtain a second. Then a motion to recommend denial resulted in a 2-2 vote meaning no action was taken. Sec. 9.04.043 (e) outlines the procedure for providing City Council a recommendation:

> *(e) Commission report. The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The commission may defer its report for not more than 60 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the commission fails to finally report after 60 days, it would be deemed to have recommended negatively to the proposal.*

With no action being taken at the last meeting, the Planning and Zoning Commission is still within the timeframe to provide a recommendation.

REMARKS:

The applicant is proposing multiple-family zoning standards in order to allow for a layout that would support one- and two-story, one-, two-, and three-bedroom unit buildings.

A Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly 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. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

A concept plan (Exhibit B), Anna West, accompanies this request.

Surrounding Land Uses and Zoning

North	Single-family residences located in the Extraterritorial Jurisdiction (ETJ).
East	Vacant land located in the Extraterritorial Jurisdiction (ETJ).
South	Vacant land located in the Extraterritorial Jurisdiction (ETJ).
West	Vacant land located in the Extraterritorial Jurisdiction (ETJ).

Proposed Planned Development Stipulations

The requested zoning is PD-MF-2. This Planned Development is to allow for a low-density, multiple-family residence. There are two primary parts to this request: land use and design standards.

Land Use - The applicant is proposing to rezone the subject property to allow for multiple-family residences.

Design Standards - The language in the proposed PD district would allow for modified development standards associated with the multiple-family residence development.

Two-Story Building Setback – The MF-2 zoning (Sec. 9.04.020) contains two provisions regarding the setback for buildings that exceed one-story in height.

The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

A portion of the building that is no more than one story tall shall observe a minimum setback from the rear property line of 15 feet. Any portion of the building that is more than one story tall shall observe a minimum setback from the rear property line of 25 feet.

- The applicant is requesting to waive the 60-foot setback for two story buildings adjacent to existing single-family. The property's rear yard is adjacent to a property located within the ETJ with an existing single-family, detached dwelling. The existing single-family dwelling is greater than 300 feet from the property line and separated by a dense tree line. Properties within the ETJ do not follow zoning regulations and can change from residential to commercial without notifying the city. As illustrated on the concept plan, the setbacks are following all other provisions of the MF-2 zoning district. The buildings are setback greater than 50 feet from the rear yard and greater than 15 feet from the side yards.

Courts – Multifamily residences of Sec. 9.04.033 (special uses) requires inner courts faces of all opposite walls to be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.

- The applicant is proposing to reduce this to 20 feet.

Parking - Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance require a minimum of 2 parking spaces per dwelling unit for multiple-family dwellings, plus 0.25 spaces per dwelling unit for visitor parking. Additionally, 75% of the required parking is required to be covered.

- The applicant is proposing to reduce the required covered parking from 449 (75%) to 337 (56%). Most units will have direct access to private one- or two-car garages.

Screening fence - The MF-2 zoning requires border fencing of masonry construction no less than eight feet in height be installed along the property line on any perimeter not abutting a public street-right-of-way.

- The applicant is requesting to install a six-foot-high ornamental metal fence with masonry columns. Being located in the ETJ and with a portion of the property within the 100-year floodplain, an ornamental fence will soften the appearance of the development.

Refuse Facilities - Rather than have multiple dumpsters, the application is proposing one compactor on-site. Additionally, the development will utilize a valet waste service to collect residents' trash directly on scheduled days.

Landscaping – The applicant is proposing drip-line irrigation and increasing the required distance between trees and parking spaces. Additionally, the development will alternate trees within the parking areas to provide space for mechanical and electrical equipment necessary for the development.

Conformance with the City of Anna Strategic Plan and Comprehensive Plan

Anna Vision 2036

a. Principle 5: Great Housing Opportunities

    i. Strong code compliance protecting and enhancing the appearance, protecting property values and supporting neighborhood integrity.

    ii. Diverse housing choices for all family generations

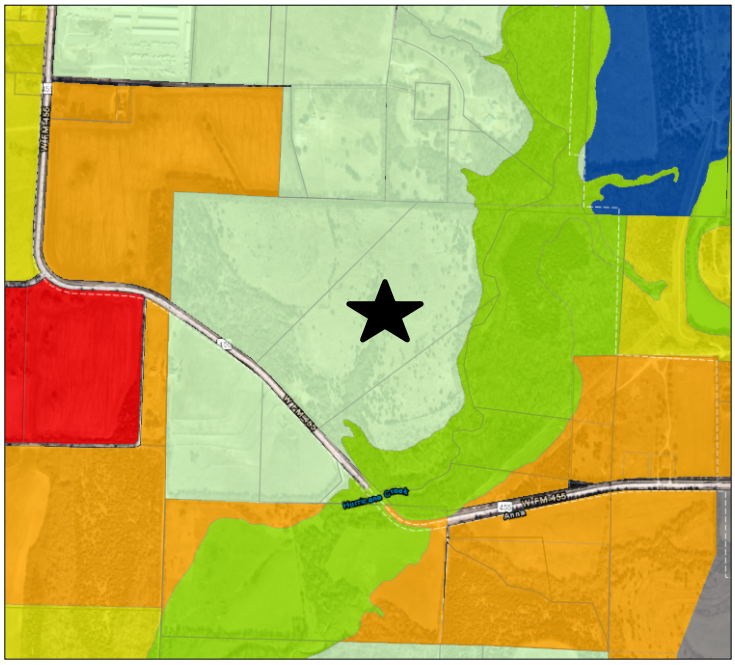
City of Anna Goals for 2026

a. Sustainable Anna Community Through Planned, Managed Growth

i. Manage residential growth

ii. Have a diverse range of housing choices available in Anna

Future Land Use Plan



The Future Land Use Plan designates this property as Ranching & Agriculture (RA). This category is only generally defined within the current Comprehensive Plan.

Land Use Considerations: Farming, ranching and wildlife management as well as single-family detached homes and supporting structures, agriculture related tourism, local food production and distributed energy generation. Cluster Residential may be permitted within a larger Ranching and Agriculture property if an amount of open space equal to the platted lots is preserved and water and wastewater requirements can be met.

The Anna 2050 Future Land Use Plan identifies areas that require significant infrastructure improvements as Ranching & Agricultural but could develop as Cluster Residential. The proposed low-density multiple-family residence meets the intent of the Cluster Residential designation.

SUMMARY:

Request to zone 43.9± acres located on the north side of F.M. 455, 250± feet west of CR 287 to Planned Development-Multiple-Family Residential – High Density (MF-2) with modified development standards for multiple-family residences on one lot. The property is currently located in the extraterritorial jurisdiction (ETJ) and the applicant has submitted an annexation petition.

The request is in conformance with the Future Land Use Plan and elements of the City of Anna Strategic Plan and Anna 2050 Comprehensive Plan.

ATTACHMENTS:

Locator
Exhibit A Legal Description
Exhibit B Concept Plan

RECOMMENDATION:

Below are recommended restrictions if the Commission votes in favor of the request:

Restrictions:

1. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit B).

2. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the MF-2 Multiple-Family Residential - High Density (MF-2) zoning district and the Planning and Development Regulations except as otherwise specified herein.

A. Maximum number of units: 299

B. Two-story setback: Two-story buildings shall be set back a minimum of 25 feet when adjacent to properties with existing single-family, detached dwellings.

C. Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 20 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.

D. Covered parking: 50% of the required parking must be covered.

E. Screening Device Requirements

    a. Minimum height: 6’

    b. Location: Along the property line on any perimeter not abutting a public street, floodway, open greenspace, or right-of-way.

    c. Material Options:

        i. Brick masonry, stone masonry, precast concrete or other architectural masonry finish. (No thin-wall masonry allowed; “thin wall” is defined as any wall 2-1/2" or less in width);

        ii. Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 100' on center with structural supports spaced every 10', and with sufficient evergreen landscaping to create a screening effect;

iii. Living plant screen (only upon approval by the planning and zoning commission through the site plan process); or

iv. Alternate equivalent screening (only upon approval by the planning and zoning commission through the site plan process).

F. Refuse facilities:

a. Every dwelling unit in a multifamily complex that is not served by private valet trash services shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way.

b. In the event that the complex is served by a trash compactor, there shall be available at all times at least three cubic yards of refuse container per 30 multifamily dwelling units.

c. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a screen wall of Masonry not less than seven feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

G. Landscaping

a. A landscape island shall be located at the terminus of each parking row, every other landscape island shall contain at least one tree.

b. Landscape areas shall have a landscaped area with at least one tree within 100 feet of every parking space.

c. Drip-line placed on grade within planting beds may be used for irrigation of required landscaping.

Item No. 7.e.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Ross Altobelli

AGENDA ITEM:
Consider/Discuss/Action on a Resolution regarding the Nelson Ranch, Block A, Lots 1-6 & Block B, Lot 1, Final Plat.

SUMMARY:
Seven lots on 74.1± acres located on the south side of Farm to Market Road 455 (FM 455), 1,951± feet west of Houston Street (Farm to Market Road 2862). Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose for the Final Plat is to dedicate lot and block boundaries, and easements necessary for future development.

ISSUES:

The applicant is requesting three waivers from adopted city standards located within both the Subdivision Regulations and Design Standards

1. Maximum length of cul-de-sac streets. A cul-de-sac street shall not be longer than 600 feet, and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerpoint of the cul-de-sac bulb.

2. Maximum and minimum length of block or street segments. The maximum length of any block or street segment, including a looped street, shall be 1,200 feet and the minimum length of any block or street segment shall be 400 feet, as measured along the street centerline and between the point(s) of intersection with other through streets. A cul-de-sac or dead-end street shall not be considered a through street. The block length is not measured along the side of a block that does not include the front of any lot.

3. Minor Collector Undivided minimum R.O.W. Width (feet): 60

Attached (Exhibit B) is the applicants' justification letter dated February 11, 2022 associated with each of the waiver requests.

FINDINGS:

Where the city council finds that undue hardships will result from strict compliance with a certain provision(s) of the subdivision regulations and design regulations, or where the purposes of the regulations may be served to a greater extent by an alternative proposal, the city council may approve a waiver/suspension from any portion of the regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of the regulations, and further provided that the city council shall not approve a waiver/suspension unless it makes findings based upon the evidence presented to it in each specific case that:

(A) Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver/suspension will not prevent the orderly subdivision of other property in the vicinity;

- The proposed roadway design will be required to support a load equal to or greater than 75,000 pounds. Final approval and acceptance is subject to field verification once constructed and confirmed by a certified engineer. Fire access acceptance letter will be provided to the property owner by the Westminster Volunteer Fire Department to forward to the Collin County Fire Marshal for final approval.

(B) The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;

- The existing tract of land is only 20 feet wide for a distance of 1,032 feet until the developable portion of the property.

(C) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular undue hardship to the property owner would result, as distinguished from a mere inconvenience or increased expense, if the strict letter of these regulations is carried out;

- Due to the narrow width of the property for the first 1,032 feet the applicant is not able to meet the maximum cul-de-sac or block length design requirements and/or 60-foot right-of-way requirement.

(D) The waiver/suspension will not in any manner vary the provisions of the zoning ordinance, comprehensive plan (as amended), or any other adopted plan(s) or ordinance(s) of the city; and

- The waiver request is specific to three standards contained within the Subdivision Ordinance and Design Standards.

(E) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

- The proposed plat dedicates the necessary right-of-way for the creation of 7 lots.

Attached (Exhibit C) is additional information/detail associated with the waiver requests from the Director of Public Works .

RECOMMENDATION:

Both the City of Anna Fire Department and the Westminster Volunteer Fire Department have reviewed the proposed plan and layout and are amenable to the variance requests subject to:

The proposed roadway will support a load equal to or greater than 75,000 pounds. Final approval and acceptance is subject to field verification once constructed and confirmed by a certified engineer. Fire access acceptance letter will be provided to the property owner by the Westminster Volunteer Fire Department to forward to the Collin County Fire Marshal for final approval.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Sustainable Anna Community Through Planned Managed Growth

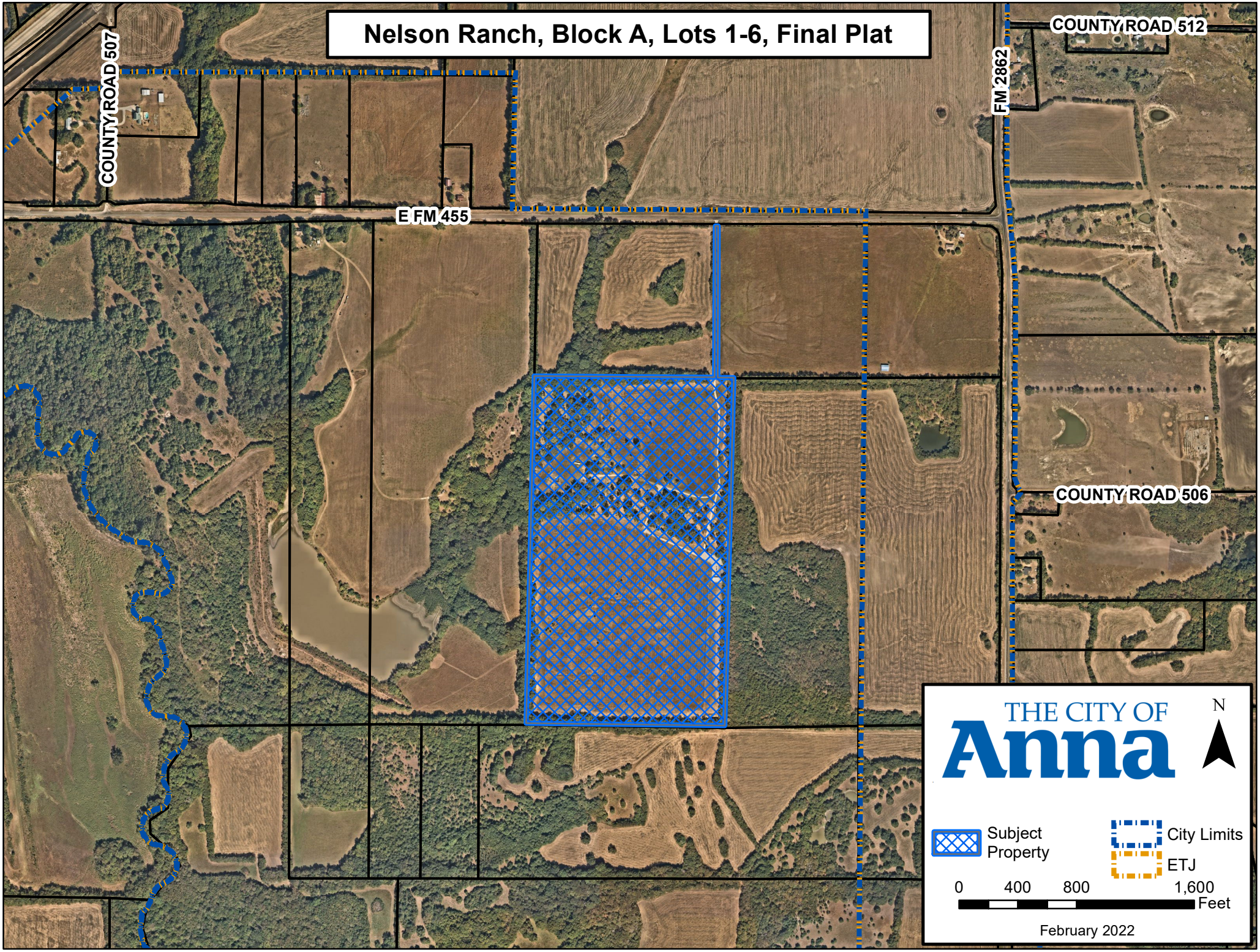
STAFF RECOMMENDATION:
Recommended for approval.

ATTACHMENTS:
1. Nelson Ranch Locator Map
2. RESOLUTION - (FP) NELSON RANCH FP BL A LTS 1-6 & BL B, LT 1
3. Exhibit A (RESOLUTION STAMPED) - Nelson Ranch
4. EXHIBIT B (STAFF REPORT) - Applicant Street Waiver - Nelson Ranch
5. EXHIBIT C (STAFF REPORT) - Public Works Memo - Nelson Ranch Final Plat

APPROVALS:

Lauren Mecke, Planning Manager	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

Nelson Ranch, Block A, Lots 1-6, Final Plat



L:\Planning & Development\Project Review\Anacapri Zoning (Megatel)\Locator\Notification Location Map.mxd

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING NELSON RANCH, BLOCK A, LOTS 1-6 & BLOCK B, LOT 1, FINAL PLAT

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

WHEREAS, Steven Nelson (the "Applicant") has submitted an application for the approval of the Nelson Ranch, Block A, Lots 1-6 & Block B, Lot 1, Final Plat (the "Property"); and

WHEREAS, The Applicant requests waivers from the following regulations located within the Subdivision Regulations and Design Standards of the City of Anna;

- Maximum length of cul-de-sac streets; and
- Maximum and minimum length of block or street segment; and
- Minimum right-of-way width for a minor collector undivided roadway.

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

Section 1. Recitals Incorporated

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

Section 2. Conditional waiver of maximum length of block or street segments, cul-de-sac streets, and minimum right-of-way width of a Minor Collector.

(a) In granting the waiver as described, the City Council has examined the relevant evidence and finds that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;

    - *The proposed right-of-way layout as depicted on the Final Plat and roadway design will be required to support a load equal to or greater than 75,000 pounds.*

- *The property is located within the City of Anna's Extraterritorial Jurisdiction and is subject to civil engineering review by both Collin County Development Services and Westminster Volunteer Fire Department;*

2. The conditions upon which the request for a waivers/suspensions are based is unique to the Property and are not applicable generally to other property;

    - *The existing tract of land is only 20 feet wide for a distance of 1,032 feet until the developable portion of the property.*

3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular undue hardship to the property owner would result, as distinguished from a mere inconvenience or increased expense, if the strict letter of these regulations is carried out;

    - *Due to the narrow width of the property for the first 1,032 feet the applicant is not able to meet the maximum cul-de-sac or block length design requirements and/or meet the minor collector 60-foot right-of-way requirement.*

4. The waiver/suspension will not in any manner vary the provisions of the zoning ordinance, comprehensive plan (as amended), or any other adopted plan(s) or ordinance(s) of the city;

    - *The waiver request is specific to three standards contained within the Subdivision Ordinance and Design Standards.*

5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

    - *The proposed plat dedicates the necessary right-of-way for the creation of 7 lots.*

Section 4. Approval of Final Plat.

The City Council hereby approves the Nelson Ranch, Block A, Lots 1-6 & Block B, Lot 1, Final Plat attached hereto as Exhibit B subject to the proposed roadway supporting a load equal to or greater than 75,000 pounds. Final approval and acceptance is subject to field verification once constructed and confirmed by a certified engineer. Fire access acceptance letter will be provided to the property owner by the Westminster Volunteer Fire Department to forward to the Collin County Fire Marshal for final approval.

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this 8th day of March, 2022.

ATTEST:

_____

City Secretary, Carrie L. Land

APPROVED:

_____

Mayor, Nate Pike

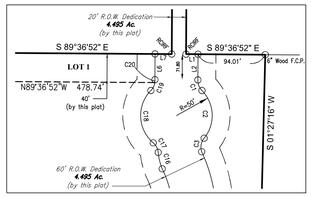
N
W E
S

0 200' 400' 600'
Scale: 1"=200'

Legend

RCIRF	Roome Capped 1/2" Iron Rod Found
CCLR	Collin County Land Records
IRF	Iron Rod Found
CM	Controlling Monument
F.C.P.	Fence Corner Post
R.O.W.	Right-of-way

DETAIL
SCALE: 1"= 100'



Line Table

LINE	BEARING	DISTANCE
L1	S89°36'52"E	16.71'
L2	S00°17'19"W	35.90'
L3	S06°49'55"E	112.77'
L4	S01°20'41"W	1.00'
L5	N06°49'55"W	117.31'
L6	N00°17'19"E	36.00'
L7	S89°36'52"E	23.29'

Curve Table

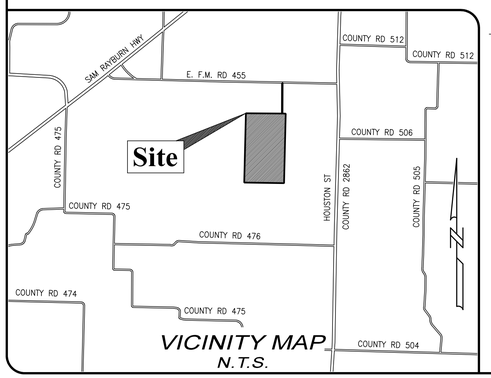
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	16.37'	15.91'	S21°02'01"E	46°53'07"
C2	50.00'	72.98'	66.67'	S02°36'22"E	83°37'44"
C3	20.00'	20.09'	19.26'	S10°25'42"W	57°33'38"
C4	200.00'	87.33'	86.64'	S13°00'59"E	25°01'04"
C5	155.00'	306.70'	259.06'	S49°51'14"W	113°22'19"
C6	20.00'	30.63'	27.72'	S62°40'21"W	87°44'06"
C7	140.00'	42.66'	42.50'	S10°04'29"W	17°27'37"
C8	30.00'	36.93'	34.64'	S33°55'11"E	70°31'44"
C9	60.00'	262.35'	97.98'	S56°04'49"W	250°31'44"
C10	60.00'	168.11'	118.27'	S11°04'49"W	160°31'44"
C11	60.00'	94.25'	84.85'	N43°39'19"W	90°00'00"
C12	200.00'	60.95'	60.71'	N10°04'29"E	17°27'37"
C13	80.00'	122.50'	110.88'	N62°40'21"E	87°44'06"
C14	95.00'	187.98'	158.78'	N49°51'14"E	113°22'19"
C15	140.00'	62.23'	61.72'	N13°41'57"W	25°28'00"
C16	80.00'	23.65'	23.57'	N13°40'37"W	16°56'26"
C17	20.00'	15.50'	15.12'	N27°24'52"W	44°24'55"
C18	50.00'	82.13'	73.21'	N02°33'45"W	94°07'10"
C19	20.00'	16.61'	16.13'	N20°33'13"E	47°34'36"
C20	20.00'	4.01'	4.00'	S 02°30'30" W	11°29'11"

NOTES

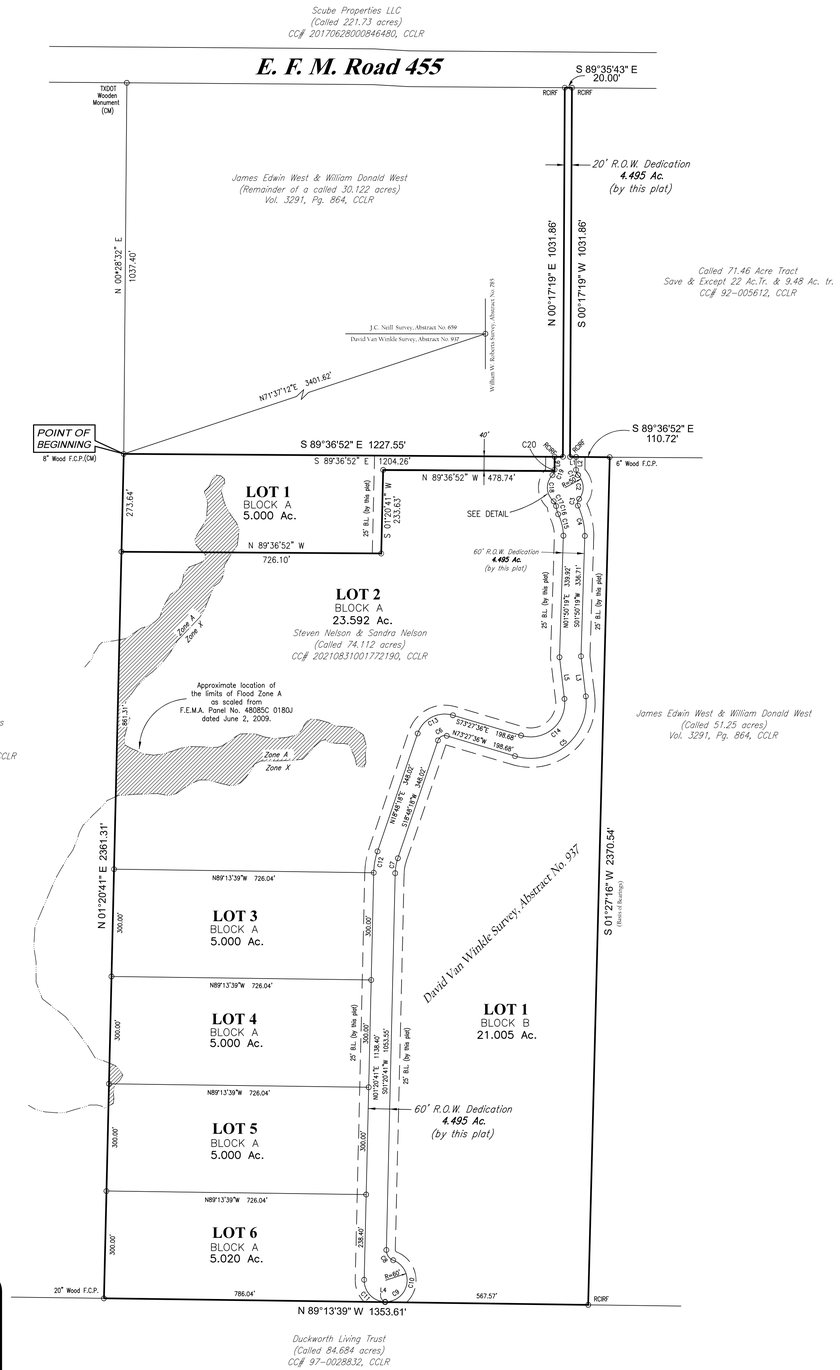
1) NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.

2) Bearings based on General Warrant Deed as recorded under County Clerk's No. 20210831001772190, of the Collin County Land Records, Texas.

3) A portion of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C 0180 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas & Incorporated Areas dated June 2, 2009. (Zone A/X).



VICINITY MAP
N.T.S.



OSSF Notes

Health Department Certification:

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

_____
Registered Sanitarian or Designated Representative
Collin County Development Services

OWNER'S DEDICATION AND ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF COLLIN §

NOW, THEREFORE, KNOW ALL MEAN BY THESE PRESENTS:

THAT, **Steven Nelson & Sandra Nelson** acting herein by and through it's duly authorized officers, does hereby adopt this plat designation the hearnabove described property as **Nelson Ranch Lots 1-6, Block A & Lot 1, Block B**, 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 indicate 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 construction, 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.

EXECUTED this _____ day of _____, 2022.

_____ _____
Steven Nelson (Owner) Sandra Nelson (Owner)

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Steven Nelson**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2022.

_____
Notary Public for the
State of Texas

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Sandra Nelson**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2022.

_____
Notary Public for the
State of Texas

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENT:

THAT I, F. E. Bemenderfer Jr., do hereby certify that I prepared this amending plat from an actual survey on the land and that the corner monuments shown thereon were found and/or properly placed under my supervision in accordance with the applicable codes and ordinances of the City of Anna, Collin County, Texas.

NOT FOR RECORDING
_____
F. E. Bemenderfer Jr.
R.P.L.S. No. 4051

STATE OF TEXAS REGISTERED F.E. BEMENDERFER JR. 4051 PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared **F. E. Bemenderfer Jr.**, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that the same was executed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____, day of _____, 2022.

_____
Notary Public in and for
The State of Texas

_____
Printed Name

OWNER'S CERTIFICATION

WHEREAS Steven Nelson & Sandra Nelson are the owners of a tract of land situated in the State of Texas, County of Collin and City of Anna, being part of the David Van Winkle Survey, Abstract No. 937, being all of a called 74.112 acre tract as recorded under County Clerk's No. 20210831001772190, of the Collin County Land Records, with said premises being more particularly described as follows:

BEGINNING at a 8" wood fence corner post found in the east line of a called 85.280 acre tract of land as recorded under County Clerk's No. 20190624000725670, of the Collin County Land Records, marking the northwest corner of said 74.112 acre tract, and the southwest corner of the remainder of a called 30.122 acre tract of land as recorded in Volume 3291, Page 864 of the Collin County Land Records, same being the northwest corner of the herein described premises;

THENCE with a north line of said 74.112 acre tract and the south line of the remainder of said 30.122 acre tract, South 89°36'52" East, 1,227.55 feet to a Roome capped iron rod found marking an interior ell corner of said premises and the southeast corner of the remainder of said 30.122 acre tract;

THENCE with a west line of said 74.112 acre tract and an east line of the remainder of said 30.122 acre tract, North 00°17'19" East, 1,031.86 feet to a Roome capped iron rod found in the south right-of-way line of E. F.M. Road 455 marking the northeast corner of the remainder of said 30.122 acre tract, the most northerly northwest corner of said 74.112 acre tract and of said premises;

THENCE with the south right-of-way line of E. F.M. Road 455 and the most northerly north line of said 74.112 acre tract, South 89°35'43" East, 20.00 feet to a Roome capped iron rod found for corner marking the northwest corner of a called 71.46 acre tract as recorded under County Clerk's No. 92-0055612, of the Collin County Land Records, same being the most northerly northeast corner of said 74.112 acre tract and of said premises;

THENCE departing said right-of-way, South 00°17'19" West with the general course of a barbed wire fence along an east line of said 74.112 acre tract and the west line of said 71.46 acre tract, a distance of 1,031.86 feet to a Roome capped iron rod found for corner marking the southwest corner of said 71.46 acre tract and being in the north line of said 74.112 acre tract;

THENCE with a north line of said 74.112 acre tract and the south line of said 71.46 acre tract, South 89°36'52" East, 110.72 feet a 6" wood fence corner post marking the most easterly northeast corner of said 74.112 acre tract, said premises, and the northwest corner of a called 51.25 acre tract, recorded in Volume 3291, Page 864 of the Collin County Land Records;

THENCE with an east line of said 74.112 acre tract and the west line of said 51.25 acre tract, South 01°27'16" West 2,370.54 feet, to a Roome capped iron rod found for corner in the north line of a called 84.684 acre tract, marking the southwest corner of said 51.25 acre tract as recorded under County Clerk's No. 97-0028832 of the Collin County Land Records, the southeast corner of said 74.112 acre tract and of said premises;

THENCE with the south line of said 74.112 acre tract and the north line of said 84.684 acre tract, North 89°13'39" West, 1,353.61 feet, to a 20" wood fence corner post found marking the southeast corner of said 85.280 acre tract, the southwest corner of said 74.112 acre tract and of said premises;

THENCE with the east line of said 85.280 acre tract and a west line of said 74.112 acre tract, North 01°20'41" East, 2,361.31 feet to the place of beginning and containing 74.112 gross acres of land.

Accepted this _____ day of _____, 2022, by the City Council of the City of Anna, Texas.

_____ _____
Mayor City Secretary

APPROVED
MARCH 8, 2022
CITY COUNCIL
CITY OF ANNA

APPROVED
MARCH 7, 2022
P&Z COMMISSION
CITY OF ANNA

EXHIBIT A

Final Plat
Nelson Ranch
Lots 1-6, Block A
& Lot 1, Block B

74.112 Gross Acres
CC# 20210831001772190, CCLR
David Van Winkle Survey Abstract No. 937
E.T.J. of Anna, Collin County, Texas
January 12, 2022

Owner:
Steven Nelson & Sandra Nelson
7586 E. F.M. 455
Anna, Tx 75409
(952) 221-2475
Attn: Steven Nelson
steve.nelson@chartwellfa.com

Surveyor:
Roome Land Surveying
2000 Ave G, Suite 810
Plano, Tx 75074
(972) 423-4372
Attn: Fred Bemenderfer
fredb@roomeinc.com

Revised: 03.02.2022 P:\AC\2022Q1\AC886937.dwg

Roome Land Surveying
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

EXHIBIT B

February 11, 2022

Planning & Zoning Commission and Council
City of Anna
3223 North Powell Parkway
Anna, Texas 75409

Re: **Waiver Request – Nelson Ranch Final Plat**

Council Members:

We have submitted a final plat for consideration by the City Council at an upcoming meeting. We respectfully request that this final plat be approved with a waiver to the following requirement:

> ***Section 9.02.081(o)*** *Maximum and Minimum length of block or street segments. The maximum length of any block or street segment, including a looped street, shall be 1,200 feet and the minimum length of any block or street segment shall be 400 feet, as measured along the street centerline and between the point(s) of intersection with other through streets. A cul-de-sac or dead-end street shall not be considered a through street. The block length is not measured along the side of a block that does not include the front of any lot.*
>
> ***Section 9.02.081(p)*** *Maximum length of cul-de-sac streets. A cul-de-sac street shall not be longer than 600 feet, and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the center point of the cul-de-sac bulb.*
>
> ***Division 9.*** *Tables and Diagrams. Indicates that residential collector streets shall be 60 feet in width.*

This waiver is requested based on the following:

A. The already existing private road is surrounded by other property owners, leaving us no opportunity to expand it to a 60-foot right-of-way.

B. Our lot is completely surrounded by other lots which are owned by other property owners leaving us no way to connect to any other roadway or access. This is a unique piece of property in a unique situation.

C. Additionally, the already existing private road is past 1,000 feet all the way up to the property line.

We appreciate your consideration of this waiver request and approval of the final plat.

Sincerely,

Sandy & Steve Nelson

EXHIBIT C

THE CITY OF Anna

Subdivision Ordinance – Street Waiver Request

MEMO No: 22-PWD-004

Date: March 1, 2022

To: Ross Altobelli, Director of Development Services

From: Greg Peters, P.E., Director of Public Works

CC: Wes Lawson, P.E., City Engineer

Re: Nelson Ranch Final Plat – ETJ Development

Steven Nelson has submitted a final plat for Nelson Ranch, a new single family residential subdivision located on the south side of FM 455, approximately 1,951 feet west of Houston Street, in the extraterritorial jurisdiction of the City of Anna, Texas.

The City requires all proposed subdivisions in the ETJ to meet the City of Anna Subdivision Regulations, which include specific requirements for public streets and lot frontage for residential properties.

The applicant is proposing a non-standard method of meeting the City's Subdivision Ordinance requirements due to the fact that the property is land locked. The applicant is proposing a 3,300 foot long private drive which will extend from FM 455 to the southern-most proposed residential lot.

Section 9.02.081(o) of the City of Anna Subdivision Ordinance states:

> *Maximum and minimum length of block or street segments. The maximum length of any block or street segment, including a looped street, shall be 1,200 feet and the minimum length of any block or street segment shall be 400 feet, as measured along the street centerline and between the point(s) of intersection with other through streets. A cul-de-*

sac or dead-end street shall not be considered a through street. The block length is not measured along the side of a block that does not include the front of any lot.

Section 9.02.081(p) of the City of Anna Subdivision Ordinance states:

Maximum length of cul-de-sac streets. A cul-de-sac street shall not be longer than 600 feet, and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerpoint of the cul-de-sac bulb.

The developer has requested a waiver of the 1,200-foot requirement for the maximum length of any block or street segment. He is also requesting a waiver of the maximum length of a cul-de-sac street, which is 600 feet. Finally, the applicant is requesting a waiver of the 60-foot width requirement for a residential collector street for the section of private drive through the existing 20-foot wide access strip of land he has connecting the property to FM 455.

The City of Anna Public Works Department has reviewed the waiver request, City Ordinances, and considered any potential impacts this waiver may have on the property. Staff has also reviewed the potential negative impacts to Nelson Ranch Subdivision if the waiver is not granted.

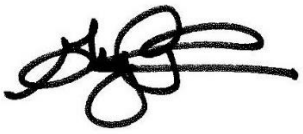
Staff Findings:

- The requested waiver is required for the applicant to meet City requirements for new subdivisions. The lack of access to public streets makes the subject tract extremely difficult to subdivide in a way which would be consistent with City of Anna standards.
- Not granting the waivers and extensions of maximum lengths will result in the project being unable to be completed as intended by the applicant.
- The property is located in the Westminster Fire District. Granting the extension may create significant challenges for public safety response to all of the proposed residential lots. Any public safety response impacts should be considered by the Planning & Zoning Commission and the City Council to be self-inflicted consequences of the applicant's request.

Staff finds that the proposed project is located in the unincorporated portion of Collin County and within the Westminster Fire District. As such, the development has very little impact on the resources and staff of the City of Anna.

Staff recommends approvals of the waivers based solely on the understanding that both Collin County and Westminster Fire District are the primary service providers for the property, and as

such should be the primary decision makers on allowing structures and homes to be built in the proposed lots.



Greg Peters, P.E.
Director of Public Works
City of Anna, Texas

Item No. 7.f.

City Council Agenda
Staff Report

Meeting Date: 3/8/2022
Staff Contact: Joey Grisham

AGENDA ITEM:

Approve a Resolution setting a public hearing under Section 372.009 of the Texas Local Government Code on the advisability of the creation of a public improvement district and improvements within the City of Anna, Texas, for the AnaCapri development and authorizing the issuance of notice by the City Secretary of Anna, Texas, regarding the public hearing. (Director of Economic Development Joey Grisham)

SUMMARY:

In accordance with the AnaCapri Development Agreement, the developer has submitted a petition to the City to create the AnaCapri (PID). The petition is attached to the resolution as Exhibit A. Before the City Council can create the PID, it must hold a public hearing after 15 days' publication notice. The form of the notice is attached to the resolution as Exhibit B. This resolution does not create the PID; it only accepts the developer's petition and provides for scheduling of the public hearing and publishing of the notice. The resolution sets the public hearing for April 12, 2022. After the hearing, the Council will consider a separate resolution creating the PID.

FINANCIAL IMPACT:

N/A

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 1: Growing Anna Economy

Goal 2: Sustainable Anna Community Through Planned Managed Growth

Goal 3: Anna – Great Place to Live

STAFF RECOMMENDATION:

Approve the Resolution and set a Public Hearing.

ATTACHMENTS:

1. 02 Resolution Accepting Petition and Calling Public Hearing (Anacapri PID) v2

2. Petition to Establish AnaCapri PID

APPROVALS:

Joey Grisham, Economic Development Director	Created/Initiated - 3/4/2022
Jim Proce, City Manager	Final Approval - 3/4/2022

CITY OF ANNA, TEXAS
RESOLUTION NO. _____

A RESOLUTION SETTING A PUBLIC HEARING UNDER SECTION 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE ON THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT AND IMPROVEMENTS WITHIN THE CITY OF ANNA, TEXAS, FOR THE ANACAPRI DEVELOPMENT AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF ANNA, TEXAS, REGARDING THE PUBLIC HEARING.

WHEREAS, the City of Anna, Texas (the "City"), is authorized under Chapter 372 of the Texas Local Government Code (the "Act"), to create a public improvement district within its corporate limits; and

WHEREAS, on February 15, 2022, Anacapri Laguna Azure LLC, a Texas limited liability company (collectively, the "Petitioners"), being the owner of (1) taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located and (2) record owner of real property liable for assessment under the proposal who: (A) constitutes more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) owns taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal, within the corporate limits of the City, submitted and filed with the City Secretary of Anna (the "City Secretary") a petition ("Petition"), attached as **Exhibit A**, requesting the establishment of the Anacapri Public Improvement District for approximately 284.952 acres of property within the corporate limits of the City (the "District"); and

WHEREAS, said petition described public improvements that the property desires to be made within the public improvement district; and

WHEREAS, the City Council of Anna, Texas (the "City Council") will hold a public hearing in accordance with Section 372.009 of the Act regarding the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs; and

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, in order to hold a public hearing for the creation of a public improvement district, notice must be given in a newspaper of general circulation in the municipality before the

15th day before the date of the hearing, and written notice must be mailed to the current address of each owner, as reflected on the tax rolls, of property that would be subject to assessment under the proposed public improvement district; and

WHEREAS, both newspaper notice and mailed notice must contain the information required for notice as provided for in Section 372.009 of the Act; and

WHEREAS, the City Council has determined to hold a public hearing on April 12, 2022 on the creation of a public improvement district; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of the City.

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

Section 1: All of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein.

Section 2: City Staff reviewed the Petition and determined that the same complied with the requirements of the Act and the City Council accepts the Petition.

Section 3: That a public hearing is hereby called for April 12, 2022 at 6:30 p.m. at the Anna I.S.D. Board Room, 201 E. 7th Street, Anna, Texas, or such other location as designated by the City, for the purpose of hearing public testimony with respect to the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs.

.**Section 4:** At such time and place the City Council will hear testimony regarding the creation of the proposed public improvement district and the City Council may, within its sole discretion, consider the adoption of a resolution authorizing the creation of the proposed public improvement district.

Section 5: Attached hereto as **Exhibit A** is the Petition to Establish Anacapri Public Improvement District within the corporate limits of the City for the Anacapri Public Improvement District, which includes a metes and bounds description for the District.

Section 6: Attached hereto as **Exhibit B** is a form of the Notice of Public Hearing (the "Notice") the form and substance of which is hereby adopted and approved.

Section 7: Included as part of **Exhibit A** hereto—as Exhibit "A" thereof—is a legal description of the 284.952 acres of property to be included in the proposed public improvement district.

Section 8: The City Secretary is hereby authorized and directed to cause said Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City, and to mail a copy of said Notice to all landowners within the boundaries of the proposed public improvement district as required by law. The City Secretary shall provide Notice on or before the 15th day before the April 12, 2022 hearing.

Section 9: If any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this resolution without the invalid provision.

Section 10: This resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED ON THIS 8TH DAY OF MARCH, 2022.

ATTEST:	APPROVED:
_____	_____
Carrie L. Land, City Secretary	Nate Pike, Mayor

EXHIBIT A

Petition to Establish Anacapri Public Improvement District

STATE OF TEXAS	§	
	§	PETITION TO ESTABLISH ANACAPRI
COUNTY OF COLLIN	§	PUBLIC IMPROVEMENT DISTRICT

TO THE HONORABLE GOVERNING BODY OF THE CITY OF ANNA:

COMES NOW ANACAPRI LAGUNA AZURE LLC ("Petitioner"), and hereby request and petition the City of Anna, Texas (the "City") to establish the Anacapri Public Improvement District (the "District") under and pursuant to the provisions of Chapter 372, Texas Local Government Code, on the hereinafter described property situated within the extraterritorial jurisdiction and corporate limits of the City, and in support thereof would respectfully show the following:

I.

The general nature of the proposed public improvements to be provided by the District, in phases, are (a) acquisition, construction and improvements, and maintenance of the improvements, consisting of (1) landscaping; (2) erection of fountains, distinctive lighting, and signs; (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way, including related landscaping, lighting, traffic control devices, screening walls and retaining walls; (4) construction or improvement of pedestrian malls; (5) acquisition and installation of pieces of art; (6) acquisition, construction, or improvement of off-street parking facilities; (7) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (8) the establishment or improvement of parks; (9) projects similar to those listed in (1)-(8); (10) acquisition, by purchase or otherwise, of real property or contract rights in connection with an authorized improvement; (11) special supplemental and maintenance services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, roadways, public safety, security, business recruitment, development, recreation, and cultural enhancement (collectively, the "Authorized Improvements"); and (b) the payment of expenses incurred in the establishment, administration, and operation of the District, including maintenance costs, costs of issuance, funding debt service and capitalized interest reserves and credit enhancement fees of any bonds issued by or on behalf of the District, if necessary.

II.

The estimated costs of constructing and acquiring all of the currently proposed public improvements, together with bond issuance costs, legal and financial fees, letter of credit fees and expenses, bond credit enhancement expenses, capitalization of bond interest, the creation of a bond reserve fund, expenses incurred in the establishment, administration and operation of the District and acquisition, by purchase or otherwise, of real property or contract rights in connection with each authorized improvement, is presently estimated to be a total of approximately $58,000,000, based on the estimated current and future costs for construction and acquisition of the Authorized Improvements to serve the area within the District, as authorized by law. The total costs of the Authorized Improvements shall be paid from any revenues or assessments lawfully available to the City, anticipating that the costs of acquisition of the Authorized Improvements will be paid pursuant

to a contractual reimbursement obligation or bonds secured by and payable from a special assessment levied on all property within the District's boundaries for the public improvements.

III.

The boundaries of the proposed District are fully described in Exhibit "A", attached hereto and made a part hereof for all purposes.

IV.

The proposed method of assessment related to the costs of acquisition of the Authorized Improvements is to impose a special assessment to be paid in installments on all useable property within the District, net of any public right-of-way, according to the value of the property, without regard to the value of improvements on the property, or in any other manner that results in imposing equal shares of the cost on property similarly benefitted. A report will be prepared showing the special benefits accruing to property within the District and how the costs of the Authorized Improvements are assessed to property on the basis of special benefit received by the property from the Authorized Improvements.

V.

The estimated costs of the Authorized Improvements are in addition to costs of operating and maintaining the Authorized Improvements, issuing bonds, if any, and establishing, administering and operating the District. All costs incurred by the District shall be paid by the District, and there shall be no apportionment of costs between the District and the City as a whole. The City will not be obligated to provide any funds to finance the proposed Authorized Improvements except from assessments generated by property within the District.

VI.

Management and administration of the District shall be by the City. The City may contract from time to time with a private company for District administrative services.

VII.

The individuals executing this Petition are duly authorized to execute this Petition, and the Petitioner and the undersigned request the establishment of the District.

VIII.

An Advisory Board may be established to develop and recommend an improvement plan to the City Council of the City (the "Council"). The Petitioner requests that if the Council establishes an Advisory Board, that such Advisory Board should include representatives of the Petitioner.

IX.

This Petition has been executed for and on behalf of (i) the owners of more than 50% of the taxable real property described in said Exhibit A, representing all of the appraised value of taxable real property liable for assessment under this Petition as shown by the current roll of the Collin County Appraisal District, and (ii) the record owners of more than 50% of the real property liable for assessment under this Petition, and shall be filed with the Secretary of the City.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that the Council:

(1) duly consider this Petition and adopt a Resolution finding (i) that this Petition complies with all legal requirements; (ii) that the proposed improvements are necessary, advisable and will provide a public use and benefit to the City; and (iii) that the estimated costs of the improvements, the method of assessment and the apportionment of costs between the District and the City are reasonable and acceptable;

(2) call a public hearing, give notice thereof as required by law and hold such hearing on the advisability of the public improvements specified in this Petition; and

(3) grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioner shall show itself to be entitled.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, this Petition has been executed by the duly authorized representative of the Petitioner on February 11, 2022.

ANACAPRI LAGUNA AZURE LLC
a Wyoming limited liability company

By: _____

Name: Armin Afzalipour

Title: Co-President

STATE OF TEXAS §
§
COUNTY OF Dallas §

This instrument was acknowledged before me, on the 11 day of February, 2022, by Armin Afzalipour, Co-President of AnaCapri Laguna Azure LLC, a Wyoming limited liability company, on behalf of said company.

_____
Notary Public in and for the State of Texas

[SEAL]

JACQUELINE LOHR
Notary Public, State of Texas
Comm. Expires 08-07-2023
Notary ID 132120373

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

Tract 1
0.682 Ac

all that certain lot, tract or parcel of land, situated in the Martin Moore Survey, Abstract Number 649 Collin County, Texas, and being part of that certain tract of land described by deed to Kayasa
Holdings LLC, recorded in Instrument Number 20190807000946750, Real Property Records, Collin County, Texas and being more particularly described as follows;
COMMENCING at a 5/8" capped rebar found stamped "LJA Surveying", at the northeast corner of a
certain tract of land, described by deed to Bloomfield Homes LP, recorded in Instrument Number 20200117000076380, Real Property Records, Collin County, Texas, and being the northwest corner of a
certain tract of land, described by deed to Oakwood Village Apartments Inc., recorded in Instrument
Number 20171201001594200, Real Property Records, Collin County, Texas, and being in the south line
of that certain tract of land described by deed to QJR Partnership LTD, recorded in Instrument Number
20020214000237330, Real Property Records, Collin County, Texas;
THENCE S 89°14'43" E, with the north line of said Oakwood Village Apartments tract, and the south line of said QJR tract, a distance of 33.88 feet to a 1" rebar found at the southeast corner thereof, and being on the west line of said Kayasa Holdings tract;
THENCE N 01°16'34" E, with the common line of said Kayasa Holdings tract, and said QJR tract, a
distance of 745.53 feet to a point, from which a 5/8" capped rebar found at the northeast corner thereof bears N 01°16'34" E, a distance of 279.03 feet;
THENCE Southeasterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 14°39'56", an arc length of 322.51 feet, and whose chord bears S 06°26'13" E, a distance of 321.63 feet;
THENCE S 00°53'45" W, a distance of 460.27 fee to the common line of said Oakwood Village apartments tract, and said Kayasa Holdings tract;
THENCE with the common line of said Oakwood Village Apartments tract, and said Kayasa Holdings tract, the following:

S 87°53'54" W, a distance of 46.30 feet to a 5/8" rebar found;

N 01°16'34" E, a distance of 36.17 feet to the **POINT OF BEGINNING** and containing approximately 0.682 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

Tract 2
2.192 Ac

all that certain lot, tract or parcel of land, situated in the John Ellett Survey, Abstract Number
296, Collin County, Texas, and being part of that certain tract of land described by deed to QJR Partnership LTD, recorded in Instrument Number 20020214000237330, Real Property Records, Collin County, Texas and being more particularly described as follows:
BEGINNING at a 5/8" capped rebar found stamped "LJA Surveying", at the northeast corner of a certain tract of land, described by deed to Bloomfield Homes LP, recorded in Instrument Number
20200117000076380, Real Property Records, Collin County, Texas, and being the northwest corner of a certain tract of land, described by deed to Oakwood Village Apartments Inc., recorded in Instrument Number 20171201001594200, Real Property Records, Collin County, Texas, and being in the south line of said QJR tract;
THENCE N 88°54'18" W, with the south line of said QJR tract, and the north line of said Bloomfield tract, a distance of 40.12 feet;
THENCE Northwesterly, with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 15°38'20", and an arc length of 311.16 feet, whose chord bears N 06°55'26" W, 310.20 feet;
THENCE Northwesterly, with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 13°12'41", an arc length of 290.53 feet, whose chord bears N 08°08'15" W, 289.89 feet to the north line of said QJR tract, and the south line of that certain tract of land, described by deed to DR
Horton-Texas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin County, Texas;
THENCE N 89°23'38" E, with the north line of said QJR tract, and the south line of said DR Horton-Texas LTD, a distance of 120.02 feet, from which a 5/8" capped rebar found at the

southeast corner thereof, being the northeast corner of said QJR tract, and being on the west line of that certain tract of land described by deed to Kayasa Holdings LLC, recorded in Instrument Number 20190807000946750, Real Property Records, Collin County, Texas;
THENCE Southeasterly with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 13°06'50", an arc length of 260.93 feet, and whose chord bears S 08°11'11" E, a distance of 260.36 feet;
THENCE Southeasterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 00°58'25", an arc length of 21.41 feet, and whose chord bears S 14°15'23" E, a distance of 21.41 feet to the common line of said QJR tract and said Kayasa Holdings tract;
THENCE S 01°16'34" W, with the common line of said QJR tract and said Kayasa Holdings tract, a distance of 745.53 feet to the **POINT OF BEGINNING** and containing approximately 2.192 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

Tract 3
2.909 Ac

all that certain lot, tract or parcel of land, situated in the Eli W. Witt Survey, Abstract Number
997, Collin County, Texas and being part of that certain tract of land, described by deed to DR HortonTexas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin County, Texas, and being more particularly described as follows:
COMMENCING at a 5/8" capped rebar found stamped "LJA Surveying", at the northeast corner of a
certain tract of land, described by deed to Bloomfield Homes LP, recorded in Instrument Number 20200117000076380, Real Property Records, Collin County, Texas, and being the northwest corner of a
certain tract of land, described by deed to Oakwood Village Apartments Inc., recorded in Instrument Number 20171201001594200, Real Property Records, Collin County, Texas, and being in the south line of that certain tract of land described by deed to QJR Partnership LTD, recorded in Instrument Number 20020214000237330, Real Property Records, Collin County, Texas;
THENCE S 89°14'43" E, with the north line of said Oakwood Village Apartments tract, and said

QJR tract, a distance of 33.88 feet to a 1" rebar found at the southeast corner thereof, and being on the west line of that certain tract of land described by deed to Kayasa Holdings LLC, recorded in Instrument Number 20190807000946750, Real Property Records, Collin County, Texas;

THENCE N 01°16'34" E, with the common line of said Kayasa tract, and said QJR tract, a distance of 1024.56 feet to a 5/8" capped rebar found at the northeast corner thereof, and being the southeast corner of said DR Horton-Texas tract;

THENCE S 89°23'38" W, with the common line of said QJR tract, and said DR Horton-Texas tract, a distance of 48.56 feet to the POINT OF BEGINNING;

THENCE S 89°23'38" W, with the common line of said QJR tract, and said DR Horton-Texas tract, a distance of 120.02 feet;

THENCE over, across and through said DR Horton-Texas tract the following:

Northwesterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 02°48'28", an arc length of 61.75 feet, and whose chord bears N 00°07'41" W, a
distance of 61.74 feet;

N 01°16'34", a distance of 478.02 feet;

Northeasterly with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 01°59'08", an arc length of 39.51 feet, and whose chord bears N 00°17'00" E, a distance of 39.50 feet;

N 00°42'34" W, a distance of 475.25 feet;

Northeasterly with the arc of a curve to the right, having a radius of 1140.00 feet, a central angle of 03°35'22", an arc length of 71.42 feet, and whose chord bears N 89°04'31" E, a distance of
71.41 feet;

S 89°07'47" E, a distance of 48.61 feet, from which a 1/2" capped rebar found stamped "JBI" at an outer ell corner of said DR Horton-Texas tract bears N 49°15'11" E, a distance of 90.49 feet;
S 00°42'34" E, a distance of 475.25 feet;
Southwesterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 01°59'08", an arc length of 43.66 feet, and whose chord bears S 00°17'00" W, a distance of 43.66;
S 01°16'34" W, a distance of 478.02 feet;
Southeasterly with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 02°54'19", an arc length of 57.81 feet, and whose chord bears S 00°10'36" E, a distance of 57.80 feet to the **POINT OF BEGINNING** and containing approximately 2.909 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

LEGAL DESCRIPTION
Tract 4
0.590 Ac

BEING all that certain lot, tract or parcel of land, situated in the Eli W. Witt Survey, Abstract Number
997, Collin County, Texas and being part of that certain tract of land, described by deed Anna Texas Land Ltd, recorded in 20140718000750570, Real Property Records, Collin County, Texas and being more particularly described as follows:
BEGINNING at a 1/2" capped rebar set stamped "MCADAMS" at the northwest corner of said Anna
Texas Land tract, and being on the east line of that certain tract of land, described by deed to DR Horton-Texas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin
County, Texas and being the southwest corner of that certain tract of land, described in deed to Anacapri Laguna Azure, LLC, recorded in 20210819001679920, Real Property Records, Collin County, Texas;

THENCE S 88°24′07″ E, with the common line of aid Anna Texas Land tract, and said Anacapri Laguna Azure tract, a distance of 40.15 feet;
THENCE S 00°34′0″ E, a distance of 641.93 feet;
THENCE N 89°07′47″ W, a distance of 20.19 feet;
THENCE Northwesterly with the arc of a curve to the left, having a radius of 1260.00 feet, a central angle of 00°54′5″, an arc length of 19.82 feet, and whose chord bears N 89°34′50″ W, a distance of 19.82 feet to the common line of said Anna Texas Land tract, and said DR Horton-Texas tract, from which a 1/2″ capped rebar found stamped "JBI" at a southwest corner of said Anna Texas Land tract bears S 00°34′00″ E, a distance of 20.17 feet;
THENCE N 00°34′00″ W, with the common line of said Anna Texas Land tract, and said DR Horton-Texas tract, a distance of 642.60 feet to the **POINT OF BEGINNING** and containing approximately 0.590 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

LEGAL DESCRIPTION
Tract 5
1.290 Ac

BEING all that certain lot, tract or parcel of land, situated in the Eli W. Witt Survey, Abstract Number
997, Collin County, Texas and being part of that certain tract of land, described by deed to DR HortonTexas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin County, Texas, and being more particularly described as follows:
BEGINNING at a 1/2″ capped rebar set stamped "MCADAMS" on the east line of said DR Horton-Texas tract, and being the southwest corner of that certain tract of land, described in deed to Anacapri Laguna Azure, LLC, recorded in 20210819001679920, Real Property Records, Collin County, Texas, and being the northwest corner of that certain tract of land, described in deed to Anna Texas Land Ltd, recorded in 20140718000750570, Real Property Records, Collin County, Texas;
THENCE S 00°34′00″ E, with the common line of said Anna Texas Land tract, and said DR Horton-Texas tract, a distance of 642.60 feet to a point, from which a 1/2″ capped rebar found stamped "JBI" at the southwest corner of the aforementioned Anna Texas Land tract bears S

00°34′00″ E, a distance of 20.17 feet;
THENCE Southwesterly with the arc of a curve to the left, having radius of 1260.00 feet, a central angle of 01°49′09″, an arc length of 40.00 feet, and whose chord bears S 89°03′34″ W, a distance of 40.00 feet;
THENCE N 00°34′00″ W, a distance of 1404.42 feet to a north line of said DR Horton-Texas tract, and being on a southwest line of said Anacapri Laguna Azure tract;
THENCE N 88°20′56″ E, with the common line of said DR Horton-Texas tract, and said Anacapri Laguna Azure tract, a distance of 40.01 feet, to a 1/2″ capped rebar found at a northeasterly corner thereof;
THENCE S 00°34′00″ E, with the common line of said DR Horton-Texas tract, and said Anacapri Laguna Azure tract, a distance of 762.32 feet to the **POINT OF BEGINNING** and containing approximately 1.290 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

PID LEGAL DESCRIPTION
97.716 Acres
Phase IA, IB, IC

BEING all that certain lot, tract, or parcel of land, situated in the F. Daffau Survey, Abstract Number 288,
Collin County, Texas, and being part that certain called 111.666 acre tract of land, described in deed to
Oakwood Village Apartments, recorded in Instrument Number 20171201001594200, Official Public Records, Collin County, Texas, and being part of that certain 60.549 acre tract of land, described in deed to Two-J Partners, recorded in Instrument Number 20080509000562490, Official Public Records, Collin County, Texas, and being part of that certain called 51.195 acre tract of land described in deed to Two-J Partners, recorded in Instrument Number 20080509000562500, Official Public Records, Collin County, Texas:
BEGINNING at a 1″ pipe found at the northeast corner of said 60.549 acre tract, being the approximate northeast corner of said Daffau Survey, being the northwest corner of that certain tract of land, described in deed to Jose Facundo and wife, Josefina O. Facundo, recorded in Volume 4625, Page 759, Deed Records, Collin County, Texas, and being on the south line of County Road 370, and the south line of a variable width right-of-way dedication, as dedicated by

plat of Anna High School Addition, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2011-177, Plat Records, Collin County, Texas; **THENCE** S 00°31'10" W, with the east line of said 111.666 acre tract, and the west line of said Facundo tract, a distance of 246.52 feet to a 3/8" rebar found at the southwest corner thereof, and being the northwest corner of West Crossing Phase 9, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2020-243, Plat Records, Collin County, Texas;
THENCE S 00°27'59" W, with the east line of said 111.666 acre tract, and the west line of said West
Crossing Phase 9, passing the southwest corner thereof, and being the northwest corner of West Crossing Phase 7, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2018-609, Plat Records, Collin County, Texas, continuing with the west line thereof, a total distance of 1574.05 feet to a 1/2" capped rebar set stamped "McAdams" at the southwest corner thereof, and being the northwest corner of West Crossing Phase 5, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2016-554, Plat Records, Collin County, Texas;
THENCE S 00°24'48" W, with the east line of said 111.666 acre tract, and the west line of said West Crossing Phase 5, a distance of 868.25 feet to a 1/2" capped rebar found stamped "JBI" at the southeast corner of the aforementioned 111.666 acre tract, and being the southwest corner of a 40' right-of-way dedication, as shown on said West Crossing Phase 5, and being on the north line of Hackberry Drive as dedicated by plat of Avery Pointe Phase 1, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2016-454, Plat Records, Collin County, Texas;
THENCE N 89°08'24" W, with the south line of said 111.666 acre tract, and the north line of said Hackberry Drive, a distance of 988.77 feet to a 1/2" capped rebar found stamped "JBI" at the common south corner of said Two-J Partners tracts of land;
THENCE N 89°49'39" W, with the south line of said 111.666 acre tract, and the north line of said Hackberry Drive, a distance of 316.19 feet to a 1/2" capped rebar set stamped "McAdams", from which the southwest corner of said 111.666 acre tract, and the southeast corner of that certain tract of land, described in deed to QJR Partnership, Ltd, recorded in Volume 5106, Page 2380, Deed Records, Collin County, Texas, bears N 88°49'39" W, a distance of 535.51 feet, from which a 1/2" rebar found disturbed bears S 56°31' E, 0.5 feet;

THENCE over, across, and through said 111.666 acre tract, the following:

N 00°00'00" E, a distance of 398.32 feet to a 1/2" capped rebar set stamped "McAdams" at a point of curvature, of a curve to the left;
Northwesterly with the arc of said curve to the left, having a radius of 1200.00 feet, a central angle of 30°27'50", an arc length of 638.03 feet, and whose chord bears N 15°13'55" W, a distance of 630.55 feet to a 1/2" capped rebar set stamped "McAdams";
N 30°27'50" W, a distance of 391.27 feet to a 1/2" capped rebar set stamped "McAdams" at a point of curvature, of a curve to the right;
Northwesterly, with the arc of said curve to the right, having a radius of 1000.00 feet, a central angle of 31°21'34", an arc length of 547.33 feet, and whose chord bears N 14°47'03" W, a

distance of 540.52 feet to a 1/2" capped rebar set stamped "McAdams";
S 89°26'24" W, a distance of 15.28 feet to the west line of said 111.666 acre tract and to the east line of that certain tract of land, described in deed to QJR Partnership, Ltd, recorded in Volume 5106, Page 2380, Deed Records, Collin County, Texas;

THENCE N 00°33'36" E, with the west line of said 111.666 acre tract, and the east line of said QJR Partnership tract, a distance of 784.11 feet to a 5/8" capped rebar found stamped "LJA" at the northeast corner thereof, being the northwest corner of said 111.666 acre tract, and being on the south line of QJR Partnership tract recorded in Document Number 20020214000237330, Deed Records, Collin County, Texas;
THENCE S 89°14'43" E, with the north line of said 111.666 acre tract, and the south line of said QJR Partnership tract, a distance of 33.88 feet to a 1" rebar found, and being on the west line of that certain called 59.534 acre tract of land, described in deed to Jonic Investments, recorded in Instrument Number 20150605000666010, Official Public Records, Collin County, Texas;
THENCE S 01°16'34" W, with the north line of said 111.666 and the west line of said Jonic Investments tract, a distance of 36.17 feet to a 5/8" rebar found on the south line of said County Road 370;
THENCE N 87°53'54" E, with the north line of said 111.666 acre tract, and the south line of said Jonic Investments tract, passing at a distance of 680.35 feet, a 5/8" rebar found in said County Road 370, being the southwest corner of that certain called 2.460 acre tract of land, described in deed to the City of Anna, recorded in Volume 4792, Page 2386, Deed Records, Collin County, Texas, continuing with the south line thereof, a total distance of 813.32 feet to a 5/8" rebar found in said County Road 370, from which a 5/8" rebar found for witness bears S 00°26' E, a distance of 30.0 feet;
THENCE N 87°36'59" E with the south line of said City of Anna Tract, passing at 167.15 feet the southeast corner thereof, continuing with the south line of said Jonic Investments tract, a total distance of 472.80 feet to a 1/2" rebar found at the southeast corner thereof, being the southwest corner of said right-of-way dedication shown on Anna High School Addition;
THENCE N 89°35'09" E, with the north line of said Welch tract, and the south line of said right-of-way dedication, a distance of 517.45 feet to the **POINT OF BEGINNING** and containing approximately 97.716 acres of land

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

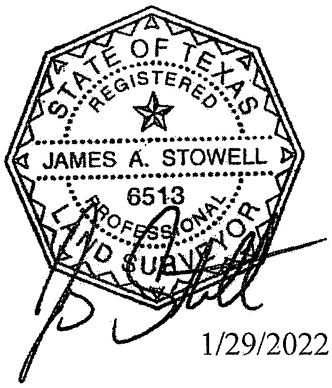
PID LEGAL DESCRIPTION
179.573 Acres
Phase III

BEING all that certain lot, tract, or parcel of land, situated in the Eli W. Witt Survey, Abstract Number 997, and the S. E. Roberts Survey, Abstract Number 786, Collin County, Texas, and being all of that certain called 80.000 acre tract of land, described in deed to Anacapri Laguna Azure, LLC, recorded in Document Number 20210819001679940, Real Property Records, Collin County, Texas, and being all of that certain called 95.444 acre tract of land described in deed to Anacapri Laguna Azure, LLC, recorded in Document Number 20210819001679920, Real Property Records, Collin County, Texas, and being more particularly described as follows:
BEGINNING at a PK Nail found in at the intersection of County Road No. 369, and County Road No. 371, and being the northwest corner of that certain tract of land described in deed to Howard J Cox etal, recorded in Volume 1995, Page 577, Deed Records, Collin County, Texas;
THENCE S 01°29′21″ W, with the east line of said 80.000 acre tract, and with the approximate center of the abandoned county road 369, a distance of 3021.11 feet to a 1/2″ rebar found (disturbed), and being the northeast corner of that certain tract of land, described in deed to Anna Texas Land, LTD, recorded in Document Number 20140718000750570, Real Property Records, Collin County, Texas;
THENCE N 88°29′03″ W, with the north line of said Anna Texas Land tract, and the south line of said 80.000 acre tract, passing at a distance of 1211.75 feet the southwest corner thereof, and being the southeast corner of said 95.444 acre tract, continuing with the south line thereof, a total distance of 1804.50 feet to a 1/2″ capped rebar set stamped "MCADAMS" on the east line of that certain tract of land, described in deed to DR Horton-Texas LTD, recorded in Document Number 202102120000310470, Real Property Records, Collin County, Texas;
THENCE with the common line of said 95.444 acre tract, and said DR Horton-Texas tract, the following:

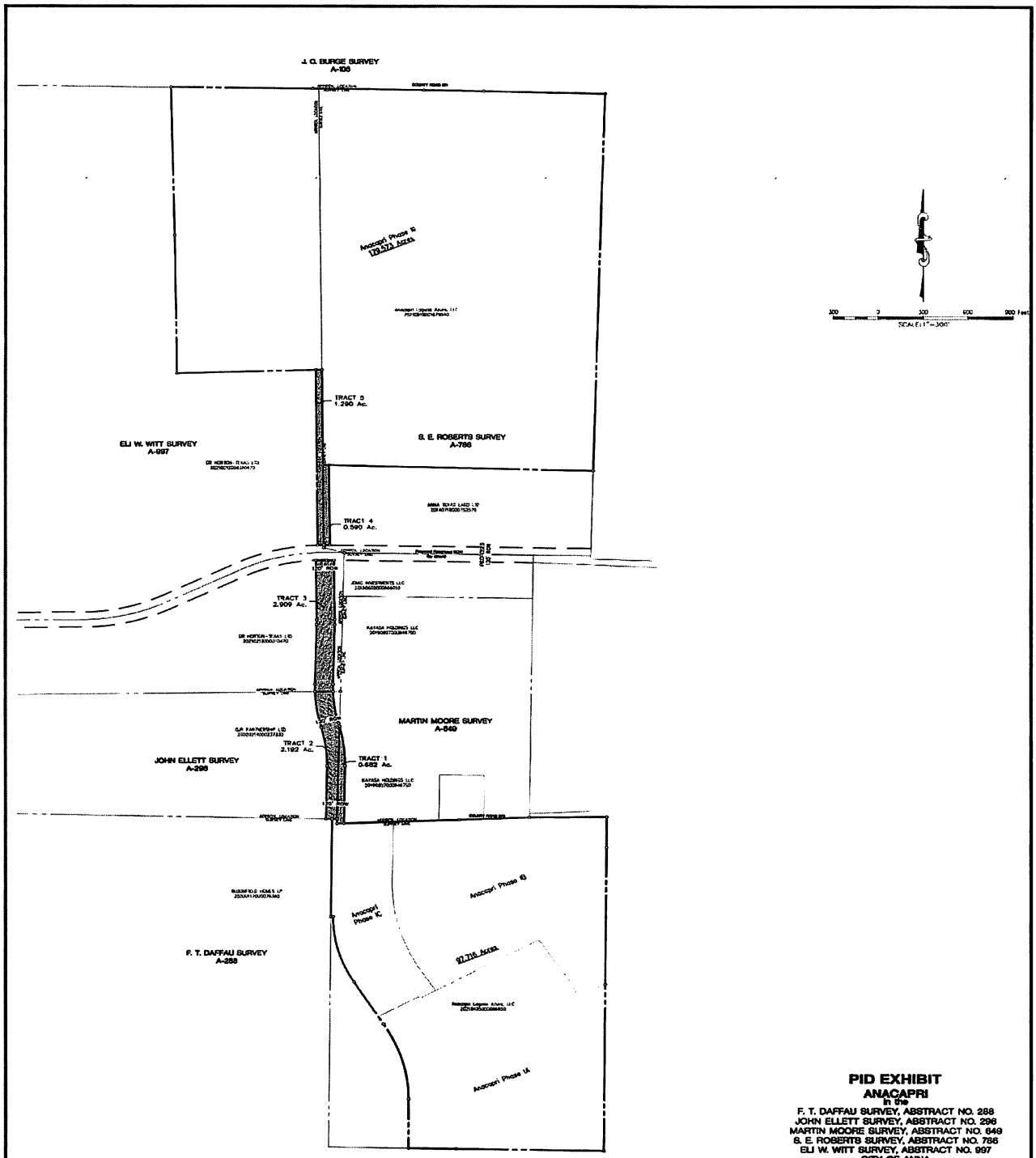
N 00°34′00″ W, a distance of 762.32 feet to a 1/2″ capped rebar found;
S 88°20′56″ W, a distance of 967.09 feet;
N 00°46′28″ W, a distance of 1103.04 feet;
N 01°17′06″ W, a distance of 1185.78 feet to a point in the approximate center of County Road 371;

THENCE S 89°17′15″ E, with the north line of said 95.444 acre tract, and with said County Road 371, a distance of 1496.53 feet;
THENCE S 88°41′44″ E, with said Country Road 371, and with the north line of said 95.444 acre tract of land, passing at a distance of 190.26 feet a PK nail found at the northeast corner thereof, and being the northwest corner of said 80.000 acre tract, and continuing with the north line thereof, a total distance of 591.09 feet to a PK Nail found;
THENCE S 88°38′19″ E, with the north line of said 80.000 acre tract, and said County Road 371, a
distance of 810.84 feet to the POINT OF BEGINNING and containing approximately 179.573

acres of land.



1/29/2022



NOTES:

1. Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83

2. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.

PID EXHIBIT
ANACAPRI
in the
F. T. DAFFAU SURVEY, ABSTRACT NO. 288
JOHN ELLETT SURVEY, ABSTRACT NO. 296
MARTIN MOORE SURVEY, ABSTRACT NO. 649
S. E. ROBERTS SURVEY, ABSTRACT NO. 786
ELI W. WITT SURVEY, ABSTRACT NO. 997
CITY OF ANNA
COLLIN COUNTY, TEXAS

McADAMS

The John R. McAdams Company, Inc
111 Lakeside Drive
Lewisville, Texas 75067
972. 436. 9712
221 County View Drive
Roanoke, Texas 76262
940. 240. 1012
TBPE 10140 TBPLS 10193440
www.gatum.com
www.mcadamsco.com

DRAWN BY: JG DATE: 1/29/2022 SCALE: 1"=300' JOB. No. MEH 2021310076

EXHIBIT B

CITY OF ANNA, TEXAS
NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended (the "Act"), notice is hereby given that the City Council of the City of Anna, Texas ("City"), will hold a public hearing to accept public comments and discuss the petition (the "Petition"), filed by Anacapri Laguna Azure LLC, a Texas limited liability company (collectively, the "Petitioners"), requesting that the City create the Anacapri Public Improvement District (the "District") to include property owned by the Petitioners and further described herein (the "Property").

Time and Place of the Hearing. The public hearing will start at 6:30 p.m. on April 12, 2022 at the Anna I.S.D. Board Room, 201 E. 7th Street, Anna, Texas, or such other location as designated by the City.

General Nature of the Proposed Authorized Improvements. The proposed public improvements include: (a) acquisition, construction and improvements, and maintenance of the improvements, consisting of (1) landscaping; (2) erection of fountains, distinctive lighting, and signs; (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way, including related landscaping, lighting, traffic control devices, screening walls and retaining walls; (4) construction or improvement of pedestrian malls; (5) acquisition and installation of pieces of art; (6) acquisition, construction, or improvement of off-street parking facilities; (7) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (8) the establishment or improvement of parks; (9) projects similar to those listed in (1)-(8); (10) acquisition, by purchase or otherwise, of real property or contract rights in connection with an authorized improvement; (11) special supplemental and maintenance services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, roadways, public safety, security, business recruitment, development, recreation, and cultural enhancement (collectively, the "Authorized Improvements"); and (b) the payment of expenses incurred in the establishment, administration, and operation of the District, including maintenance costs, costs of issuance, funding debt service and capitalized interest reserves and credit enhancement fees of any bonds issued by or on behalf of the District, if necessary. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District is approximately $58,000,000.

Proposed District Boundaries. The District is proposed to include approximately 284.952 acres of land generally located immediately to the northwest, west, and southwest of Anna High School,

located within the city limits of the City and as more particularly described by a metes and bounds description available for public inspection at the office of the City Secretary, 111 N. Powell Parkway, Anna, Texas.

Proposed Method of Assessment. The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment, and must continue for a period necessary to retire the indebtedness of those Authorized Improvements (including interest).

Proposed Apportionment of Cost between the District and the City. The City will not be obligated to provide any funds to finance the Authorized Improvements, except for assessments levied on real property within the District and possible tax reinvestment zone revenue. No municipal property in the District shall be assessed. All of the costs of the Authorized Improvements will be paid from assessments and from other sources of funds, if any, available to the Petitioner.

During the public hearing, any interested person may speak for or against the establishment of the District and the advisability of the improvements to be made for the benefit of the property within the District.

2728 N. Harwood Street
Suite 500
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

Joey Nash
direct dial: 214.745.5433
jnash@winstead.com

February 15, 2022

Via Hand Delivery

City of Anna
City Secretary, Carrie Land
111 N. Powell Parkway
Anna, Texas 75409

RE: Petition to Establish Anacapri Public Improvement District

Dear City Secretary:

Enclosed please find one (1) Original and one (1) copy of the *Petition to Establish Anacapri Public Improvement District*. Please file-stamp a copy "received" with the date and return the stamped copy to the courier.

Thank you for your assistance.

Sincerely,

Joey Nash
Public Finance Legal Assistant

Enclosures

RECEIVED
FEB 1 5 2022
CITY OF ANNA

STATE OF TEXAS	§	
	§	PETITION TO ESTABLISH ANACAPRI
COUNTY OF COLLIN	§	PUBLIC IMPROVEMENT DISTRICT

TO THE HONORABLE GOVERNING BODY OF THE CITY OF ANNA:

COMES NOW ANACAPRI LAGUNA AZURE LLC ("Petitioner"), and hereby request and petition the City of Anna, Texas (the "City") to establish the Anacapri Public Improvement District (the "District") under and pursuant to the provisions of Chapter 372, Texas Local Government Code, on the hereinafter described property situated within the extraterritorial jurisdiction and corporate limits of the City, and in support thereof would respectfully show the following:

I.

The general nature of the proposed public improvements to be provided by the District, in phases, are (a) acquisition, construction and improvements, and maintenance of the improvements, consisting of (1) landscaping; (2) erection of fountains, distinctive lighting, and signs; (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way, including related landscaping, lighting, traffic control devices, screening walls and retaining walls; (4) construction or improvement of pedestrian malls; (5) acquisition and installation of pieces of art; (6) acquisition, construction, or improvement of off-street parking facilities; (7) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (8) the establishment or improvement of parks; (9) projects similar to those listed in (1)-(8); (10) acquisition, by purchase or otherwise, of real property or contract rights in connection with an authorized improvement; (11) special supplemental and maintenance services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, roadways, public safety, security, business recruitment, development, recreation, and cultural enhancement (collectively, the "Authorized Improvements"); and (b) the payment of expenses incurred in the establishment, administration, and operation of the District, including maintenance costs, costs of issuance, funding debt service and capitalized interest reserves and credit enhancement fees of any bonds issued by or on behalf of the District, if necessary.

II.

The estimated costs of constructing and acquiring all of the currently proposed public improvements, together with bond issuance costs, legal and financial fees, letter of credit fees and expenses, bond credit enhancement expenses, capitalization of bond interest, the creation of a bond reserve fund, expenses incurred in the establishment, administration and operation of the District and acquisition, by purchase or otherwise, of real property or contract rights in connection with each authorized improvement, is presently estimated to be a total of approximately $58,000,000, based on the estimated current and future costs for construction and acquisition of the Authorized Improvements to serve the area within the District, as authorized by law. The total costs of the Authorized Improvements shall be paid from any revenues or assessments lawfully available to the City, anticipating that the costs of acquisition of the Authorized Improvements will be paid pursuant

to a contractual reimbursement obligation or bonds secured by and payable from a special assessment levied on all property within the District's boundaries for the public improvements.

III.

The boundaries of the proposed District are fully described in Exhibit "A", attached hereto and made a part hereof for all purposes.

IV.

The proposed method of assessment related to the costs of acquisition of the Authorized Improvements is to impose a special assessment to be paid in installments on all useable property within the District, net of any public right-of-way, according to the value of the property, without regard to the value of improvements on the property, or in any other manner that results in imposing equal shares of the cost on property similarly benefitted. A report will be prepared showing the special benefits accruing to property within the District and how the costs of the Authorized Improvements are assessed to property on the basis of special benefit received by the property from the Authorized Improvements.

V.

The estimated costs of the Authorized Improvements are in addition to costs of operating and maintaining the Authorized Improvements, issuing bonds, if any, and establishing, administering and operating the District. All costs incurred by the District shall be paid by the District, and there shall be no apportionment of costs between the District and the City as a whole. The City will not be obligated to provide any funds to finance the proposed Authorized Improvements except from assessments generated by property within the District.

VI.

Management and administration of the District shall be by the City. The City may contract from time to time with a private company for District administrative services.

VII.

The individuals executing this Petition are duly authorized to execute this Petition, and the Petitioner and the undersigned request the establishment of the District.

VIII.

An Advisory Board may be established to develop and recommend an improvement plan to the City Council of the City (the "Council"). The Petitioner requests that if the Council establishes an Advisory Board, that such Advisory Board should include representatives of the Petitioner.

IX.

This Petition has been executed for and on behalf of (i) the owners of more than 50% of the taxable real property described in said Exhibit A, representing all of the appraised value of taxable real property liable for assessment under this Petition as shown by the current roll of the Collin County Appraisal District, and (ii) the record owners of more than 50% of the real property liable for assessment under this Petition, and shall be filed with the Secretary of the City.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that the Council:

(1) duly consider this Petition and adopt a Resolution finding (i) that this Petition complies with all legal requirements; (ii) that the proposed improvements are necessary, advisable and will provide a public use and benefit to the City; and (iii) that the estimated costs of the improvements, the method of assessment and the apportionment of costs between the District and the City are reasonable and acceptable;

(2) call a public hearing, give notice thereof as required by law and hold such hearing on the advisability of the public improvements specified in this Petition; and

(3) grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioner shall show itself to be entitled.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, this Petition has been executed by the duly authorized representative of the Petitioner on February 11, 2022.

ANACAPRI LAGUNA AZURE LLC
a Wyoming limited liability company

By: _____

Name: Armin Afzalipour

Title: Co-President

STATE OF TEXAS §
§
COUNTY OF Dallas §

This instrument was acknowledged before me, on the 11 day of February, 2022, by Armin Afzalipour, Co-President of AnaCapri Laguna Azure LLC, a Wyoming limited liability company, on behalf of said company.

_____
Notary Public in and for the State of Texas

[SEAL]

JACQUELINE LOHR
Notary Public, State of Texas
Comm. Expires 08-07-2023
Notary ID 132120373

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

Tract 1
0.682 Ac

all that certain lot, tract or parcel of land, situated in the Martin Moore Survey, Abstract Number 649 Collin County, Texas, and being part of that certain tract of land described by deed to Kayasa
Holdings LLC, recorded in Instrument Number 20190807000946750, Real Property Records, Collin County, Texas and being more particularly described as follows;
COMMENCING at a 5/8" capped rebar found stamped "LJA Surveying", at the northeast corner of a
certain tract of land, described by deed to Bloomfield Homes LP, recorded in Instrument Number 20200117000076380, Real Property Records, Collin County, Texas, and being the northwest corner of a
certain tract of land, described by deed to Oakwood Village Apartments Inc., recorded in Instrument
Number 20171201001594200, Real Property Records, Collin County, Texas, and being in the south line
of that certain tract of land described by deed to QJR Partnership LTD, recorded in Instrument Number
20020214000237330, Real Property Records, Collin County, Texas;
THENCE S 89°14'43" E, with the north line of said Oakwood Village Apartments tract, and the south line of said QJR tract, a distance of 33.88 feet to a 1" rebar found at the southeast corner thereof, and being on the west line of said Kayasa Holdings tract;
THENCE N 01°16'34" E, with the common line of said Kayasa Holdings tract, and said QJR tract, a
distance of 745.53 feet to a point, from which a 5/8" capped rebar found at the northeast corner thereof bears N 01°16'34" E, a distance of 279.03 feet;
THENCE Southeasterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 14°39'56", an arc length of 322.51 feet, and whose chord bears S 06°26'13" E, a distance of 321.63 feet;
THENCE S 00°53'45" W, a distance of 460.27 fee to the common line of said Oakwood Village apartments tract, and said Kayasa Holdings tract;
THENCE with the common line of said Oakwood Village Apartments tract, and said Kayasa Holdings tract, the following:

S 87°53'54" W, a distance of 46.30 feet to a 5/8" rebar found;

N 01°16'34" E, a distance of 36.17 feet to the **POINT OF BEGINNING** and containing approximately 0.682 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

Tract 2
2.192 Ac

all that certain lot, tract or parcel of land, situated in the John Ellett Survey, Abstract Number
296, Collin County, Texas, and being part of that certain tract of land described by deed to QJR Partnership LTD, recorded in Instrument Number 20020214000237330, Real Property Records, Collin County, Texas and being more particularly described as follows:
BEGINNING at a 5/8" capped rebar found stamped "LJA Surveying", at the northeast corner of a certain tract of land, described by deed to Bloomfield Homes LP, recorded in Instrument Number
20200117000076380, Real Property Records, Collin County, Texas, and being the northwest corner of a certain tract of land, described by deed to Oakwood Village Apartments Inc., recorded in Instrument Number 20171201001594200, Real Property Records, Collin County, Texas, and being in the south line of said QJR tract;
THENCE N 88°54'18" W, with the south line of said QJR tract, and the north line of said Bloomfield tract, a distance of 40.12 feet;
THENCE Northwesterly, with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 15°38'20", and an arc length of 311.16 feet, whose chord bears N 06°55'26" W, 310.20 feet;
THENCE Northwesterly, with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 13°12'41", an arc length of 290.53 feet, whose chord bears N 08°08'15" W, 289.89 feet to the north line of said QJR tract, and the south line of that certain tract of land, described by deed to DR
Horton-Texas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin County, Texas;
THENCE N 89°23'38" E, with the north line of said QJR tract, and the south line of said DR Horton-Texas LTD, a distance of 120.02 feet, from which a 5/8" capped rebar found at the

southeast corner thereof, being the northeast corner of said QJR tract, and being on the west line of that certain tract of land described by deed to Kayasa Holdings LLC, recorded in Instrument Number 20190807000946750, Real Property Records, Collin County, Texas;
THENCE Southeasterly with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 13°06'50", an arc length of 260.93 feet, and whose chord bears S 08°11'11" E, a distance of 260.36 feet;
THENCE Southeasterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 00°58'25", an arc length of 21.41 feet, and whose chord bears S 14°15'23" E, a distance of 21.41 feet to the common line of said QJR tract and said Kayasa Holdings tract;
THENCE S 01°16'34" W, with the common line of said QJR tract and said Kayasa Holdings tract, a distance of 745.53 feet to the **POINT OF BEGINNING** and containing approximately 2.192 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

Tract 3
2.909 Ac

all that certain lot, tract or parcel of land, situated in the Eli W. Witt Survey, Abstract Number
997, Collin County, Texas and being part of that certain tract of land, described by deed to DR HortonTexas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin County, Texas, and being more particularly described as follows:
COMMENCING at a 5/8" capped rebar found stamped "LJA Surveying", at the northeast corner of a
certain tract of land, described by deed to Bloomfield Homes LP, recorded in Instrument Number 20200117000076380, Real Property Records, Collin County, Texas, and being the northwest corner of a
certain tract of land, described by deed to Oakwood Village Apartments Inc., recorded in Instrument Number 20171201001594200, Real Property Records, Collin County, Texas, and being in the south line of that certain tract of land described by deed to QJR Partnership LTD, recorded in Instrument Number 20020214000237330, Real Property Records, Collin County, Texas;
THENCE S 89°14'43" E, with the north line of said Oakwood Village Apartments tract, and said

QJR tract, a distance of 33.88 feet to a 1" rebar found at the southeast corner thereof, and being on the west line of that certain tract of land described by deed to Kayasa Holdings LLC, recorded in Instrument Number 20190807000946750, Real Property Records, Collin County, Texas;

THENCE N 01°16'34" E, with the common line of said Kayasa tract, and said QJR tract, a distance of 1024.56 feet to a 5/8" capped rebar found at the northeast corner thereof, and being the southeast corner of said DR Horton-Texas tract;

THENCE S 89°23'38" W, with the common line of said QJR tract, and said DR Horton-Texas tract, a distance of 48.56 feet to the POINT OF BEGINNING;

THENCE S 89°23'38" W, with the common line of said QJR tract, and said DR Horton-Texas tract, a distance of 120.02 feet;

THENCE over, across and through said DR Horton-Texas tract the following:

Northwesterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 02°48'28", an arc length of 61.75 feet, and whose chord bears N 00°07'41" W, a
distance of 61.74 feet;

N 01°16'34", a distance of 478.02 feet;

Northeasterly with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 01°59'08", an arc length of 39.51 feet, and whose chord bears N 00°17'00" E, a distance of 39.50 feet;

N 00°42'34" W, a distance of 475.25 feet;

Northeasterly with the arc of a curve to the right, having a radius of 1140.00 feet, a central angle of 03°35'22", an arc length of 71.42 feet, and whose chord bears N 89°04'31" E, a distance of
71.41 feet;

S 89°07'47" E, a distance of 48.61 feet, from which a 1/2" capped rebar found stamped "JBI" at an outer ell corner of said DR Horton-Texas tract bears N 49°15'11" E, a distance of 90.49 feet;
S 00°42'34" E, a distance of 475.25 feet;
Southwesterly with the arc of a curve to the right, having a radius of 1260.00 feet, a central angle of 01°59'08", an arc length of 43.66 feet, and whose chord bears S 00°17'00" W, a distance of 43.66;
S 01°16'34" W, a distance of 478.02 feet;
Southeasterly with the arc of a curve to the left, having a radius of 1140.00 feet, a central angle of 02°54'19", an arc length of 57.81 feet, and whose chord bears S 00°10'36" E, a distance of 57.80 feet to the **POINT OF BEGINNING** and containing approximately 2.909 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

LEGAL DESCRIPTION
Tract 4
0.590 Ac

BEING all that certain lot, tract or parcel of land, situated in the Eli W. Witt Survey, Abstract Number
997, Collin County, Texas and being part of that certain tract of land, described by deed Anna Texas Land Ltd, recorded in 20140718000750570, Real Property Records, Collin County, Texas and being more particularly described as follows:
BEGINNING at a 1/2" capped rebar set stamped "MCADAMS" at the northwest corner of said Anna
Texas Land tract, and being on the east line of that certain tract of land, described by deed to DR Horton-Texas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin
County, Texas and being the southwest corner of that certain tract of land, described in deed to Anacapri Laguna Azure, LLC, recorded in 20210819001679920, Real Property Records, Collin County, Texas;

THENCE S 88°24′07″ E, with the common line of aid Anna Texas Land tract, and said Anacapri Laguna Azure tract, a distance of 40.15 feet;
THENCE S 00°34′0″ E, a distance of 641.93 feet;
THENCE N 89°07′47″ W, a distance of 20.19 feet;
THENCE Northwesterly with the arc of a curve to the left, having a radius of 1260.00 feet, a central angle of 00°54′5″, an arc length of 19.82 feet, and whose chord bears N 89°34′50″ W, a distance of 19.82 feet to the common line of said Anna Texas Land tract, and said DR Horton-Texas tract, from which a 1/2″ capped rebar found stamped "JBI" at a southwest corner of said Anna Texas Land tract bears S 00°34′00″ E, a distance of 20.17 feet;
THENCE N 00°34′00″ W, with the common line of said Anna Texas Land tract, and said DR Horton-Texas tract, a distance of 642.60 feet to the **POINT OF BEGINNING** and containing approximately 0.590 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

LEGAL DESCRIPTION
Tract 5
1.290 Ac

BEING all that certain lot, tract or parcel of land, situated in the Eli W. Witt Survey, Abstract Number
997, Collin County, Texas and being part of that certain tract of land, described by deed to DR HortonTexas LTD, recorded in Instrument Number 20210212000310470, Real Property Records, Collin County, Texas, and being more particularly described as follows:
BEGINNING at a 1/2″ capped rebar set stamped "MCADAMS" on the east line of said DR Horton-Texas tract, and being the southwest corner of that certain tract of land, described in deed to Anacapri Laguna Azure, LLC, recorded in 20210819001679920, Real Property Records, Collin County, Texas, and being the northwest corner of that certain tract of land, described in deed to Anna Texas Land Ltd, recorded in 20140718000750570, Real Property Records, Collin County, Texas;
THENCE S 00°34′00″ E, with the common line of said Anna Texas Land tract, and said DR Horton-Texas tract, a distance of 642.60 feet to a point, from which a 1/2″ capped rebar found stamped "JBI" at the southwest corner of the aforementioned Anna Texas Land tract bears S

00°34′00″ E, a distance of 20.17 feet;
THENCE Southwesterly with the arc of a curve to the left, having radius of 1260.00 feet, a central angle of 01°49′09″, an arc length of 40.00 feet, and whose chord bears S 89°03′34″ W, a distance of 40.00 feet;
THENCE N 00°34′00″ W, a distance of 1404.42 feet to a north line of said DR Horton-Texas tract, and being on a southwest line of said Anacapri Laguna Azure tract;
THENCE N 88°20′56″ E, with the common line of said DR Horton-Texas tract, and said Anacapri Laguna Azure tract, a distance of 40.01 feet, to a 1/2″ capped rebar found at a northeasterly corner thereof;
THENCE S 00°34′00″ E, with the common line of said DR Horton-Texas tract, and said Anacapri Laguna Azure tract, a distance of 762.32 feet to the **POINT OF BEGINNING** and containing approximately 1.290 acres of land.

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

PID LEGAL DESCRIPTION
97.716 Acres
Phase IA, IB, IC

BEING all that certain lot, tract, or parcel of land, situated in the F. Daffau Survey, Abstract Number 288,
Collin County, Texas, and being part that certain called 111.666 acre tract of land, described in deed to
Oakwood Village Apartments, recorded in Instrument Number 20171201001594200, Official Public Records, Collin County, Texas, and being part of that certain 60.549 acre tract of land, described in deed to Two-J Partners, recorded in Instrument Number 20080509000562490, Official Public Records, Collin County, Texas, and being part of that certain called 51.195 acre tract of land described in deed to Two-J Partners, recorded in Instrument Number 20080509000562500, Official Public Records, Collin County, Texas:
BEGINNING at a 1″ pipe found at the northeast corner of said 60.549 acre tract, being the approximate northeast corner of said Daffau Survey, being the northwest corner of that certain tract of land, described in deed to Jose Facundo and wife, Josefina O. Facundo, recorded in Volume 4625, Page 759, Deed Records, Collin County, Texas, and being on the south line of County Road 370, and the south line of a variable width right-of-way dedication, as dedicated by

plat of Anna High School Addition, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2011-177, Plat Records, Collin County, Texas; **THENCE** S 00°31'10" W, with the east line of said 111.666 acre tract, and the west line of said Facundo tract, a distance of 246.52 feet to a 3/8" rebar found at the southwest corner thereof, and being the northwest corner of West Crossing Phase 9, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2020-243, Plat Records, Collin County, Texas;
THENCE S 00°27'59" W, with the east line of said 111.666 acre tract, and the west line of said West
Crossing Phase 9, passing the southwest corner thereof, and being the northwest corner of West Crossing Phase 7, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2018-609, Plat Records, Collin County, Texas, continuing with the west line thereof, a total distance of 1574.05 feet to a 1/2" capped rebar set stamped "McAdams" at the southwest corner thereof, and being the northwest corner of West Crossing Phase 5, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2016-554, Plat Records, Collin County, Texas;
THENCE S 00°24'48" W, with the east line of said 111.666 acre tract, and the west line of said West Crossing Phase 5, a distance of 868.25 feet to a 1/2" capped rebar found stamped "JBI" at the southeast corner of the aforementioned 111.666 acre tract, and being the southwest corner of a 40' right-of-way dedication, as shown on said West Crossing Phase 5, and being on the north line of Hackberry Drive as dedicated by plat of Avery Pointe Phase 1, an addition to the City of Anna, according to the plat thereof, recorded in Instrument Number 2016-454, Plat Records, Collin County, Texas;
THENCE N 89°08'24" W, with the south line of said 111.666 acre tract, and the north line of said Hackberry Drive, a distance of 988.77 feet to a 1/2" capped rebar found stamped "JBI" at the common south corner of said Two-J Partners tracts of land;
THENCE N 89°49'39" W, with the south line of said 111.666 acre tract, and the north line of said Hackberry Drive, a distance of 316.19 feet to a 1/2" capped rebar set stamped "McAdams", from which the southwest corner of said 111.666 acre tract, and the southeast corner of that certain tract of land, described in deed to QJR Partnership, Ltd, recorded in Volume 5106, Page 2380, Deed Records, Collin County, Texas, bears N 88°49'39" W, a distance of 535.51 feet, from which a 1/2" rebar found disturbed bears S 56°31' E, 0.5 feet;

THENCE over, across, and through said 111.666 acre tract, the following:

N 00°00'00" E, a distance of 398.32 feet to a 1/2" capped rebar set stamped "McAdams" at a point of curvature, of a curve to the left;
Northwesterly with the arc of said curve to the left, having a radius of 1200.00 feet, a central angle of 30°27'50", an arc length of 638.03 feet, and whose chord bears N 15°13'55" W, a distance of 630.55 feet to a 1/2" capped rebar set stamped "McAdams";
N 30°27'50" W, a distance of 391.27 feet to a 1/2" capped rebar set stamped "McAdams" at a point of curvature, of a curve to the right;
Northwesterly, with the arc of said curve to the right, having a radius of 1000.00 feet, a central angle of 31°21'34", an arc length of 547.33 feet, and whose chord bears N 14°47'03" W, a

distance of 540.52 feet to a 1/2" capped rebar set stamped "McAdams";
S 89°26'24" W, a distance of 15.28 feet to the west line of said 111.666 acre tract and to the east line of that certain tract of land, described in deed to QJR Partnership, Ltd, recorded in Volume 5106, Page 2380, Deed Records, Collin County, Texas;

THENCE N 00°33'36" E, with the west line of said 111.666 acre tract, and the east line of said QJR Partnership tract, a distance of 784.11 feet to a 5/8" capped rebar found stamped "LJA" at the northeast corner thereof, being the northwest corner of said 111.666 acre tract, and being on the south line of QJR Partnership tract recorded in Document Number 20020214000237330, Deed Records, Collin County, Texas;
THENCE S 89°14'43" E, with the north line of said 111.666 acre tract, and the south line of said QJR Partnership tract, a distance of 33.88 feet to a 1" rebar found, and being on the west line of that certain called 59.534 acre tract of land, described in deed to Jonic Investments, recorded in Instrument Number 20150605000666010, Official Public Records, Collin County, Texas;
THENCE S 01°16'34" W, with the north line of said 111.666 and the west line of said Jonic Investments tract, a distance of 36.17 feet to a 5/8" rebar found on the south line of said County Road 370;
THENCE N 87°53'54" E, with the north line of said 111.666 acre tract, and the south line of said Jonic Investments tract, passing at a distance of 680.35 feet, a 5/8" rebar found in said County Road 370, being the southwest corner of that certain called 2.460 acre tract of land, described in deed to the City of Anna, recorded in Volume 4792, Page 2386, Deed Records, Collin County, Texas, continuing with the south line thereof, a total distance of 813.32 feet to a 5/8" rebar found in said County Road 370, from which a 5/8" rebar found for witness bears S 00°26' E, a distance of 30.0 feet;
THENCE N 87°36'59" E with the south line of said City of Anna Tract, passing at 167.15 feet the southeast corner thereof, continuing with the south line of said Jonic Investments tract, a total distance of 472.80 feet to a 1/2" rebar found at the southeast corner thereof, being the southwest corner of said right-of-way dedication shown on Anna High School Addition;
THENCE N 89°35'09" E, with the north line of said Welch tract, and the south line of said right-of-way dedication, a distance of 517.45 feet to the **POINT OF BEGINNING** and containing approximately 97.716 acres of land

STATE OF TEXAS
REGISTERED
JAMES A. STOWELL
6513
PROFESSIONAL
LAND SURVEYOR

1/28/2022

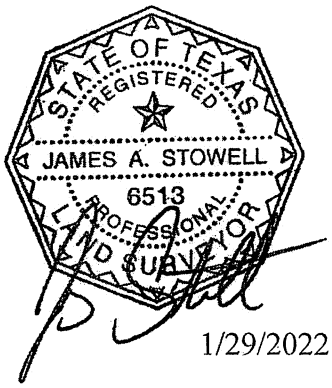
PID LEGAL DESCRIPTION
179.573 Acres
Phase III

BEING all that certain lot, tract, or parcel of land, situated in the Eli W. Witt Survey, Abstract Number 997, and the S. E. Roberts Survey, Abstract Number 786, Collin County, Texas, and being all of that certain called 80.000 acre tract of land, described in deed to Anacapri Laguna Azure, LLC, recorded in Document Number 20210819001679940, Real Property Records, Collin County, Texas, and being all of that certain called 95.444 acre tract of land described in deed to Anacapri Laguna Azure, LLC, recorded in Document Number 20210819001679920, Real Property Records, Collin County, Texas, and being more particularly described as follows:
BEGINNING at a PK Nail found in at the intersection of County Road No. 369, and County Road No. 371, and being the northwest corner of that certain tract of land described in deed to Howard J Cox etal, recorded in Volume 1995, Page 577, Deed Records, Collin County, Texas;
THENCE S 01°29′21″ W, with the east line of said 80.000 acre tract, and with the approximate center of the abandoned county road 369, a distance of 3021.11 feet to a 1/2″ rebar found (disturbed), and being the northeast corner of that certain tract of land, described in deed to Anna Texas Land, LTD, recorded in Document Number 20140718000750570, Real Property Records, Collin County, Texas;
THENCE N 88°29′03″ W, with the north line of said Anna Texas Land tract, and the south line of said 80.000 acre tract, passing at a distance of 1211.75 feet the southwest corner thereof, and being the southeast corner of said 95.444 acre tract, continuing with the south line thereof, a total distance of 1804.50 feet to a 1/2″ capped rebar set stamped "MCADAMS" on the east line of that certain tract of land, described in deed to DR Horton-Texas LTD, recorded in Document Number 202102120000310470, Real Property Records, Collin County, Texas;
THENCE with the common line of said 95.444 acre tract, and said DR Horton-Texas tract, the following:

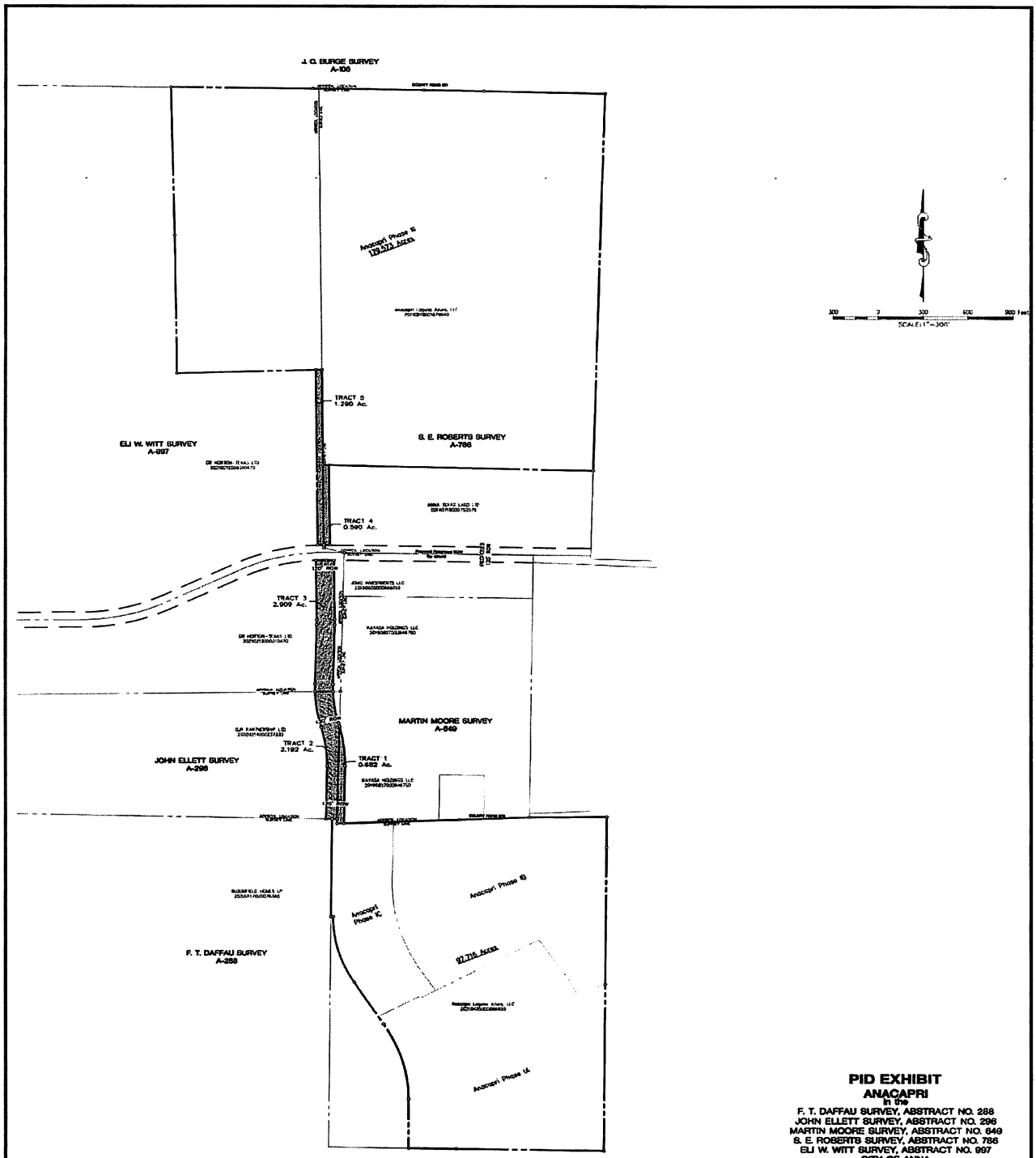
N 00°34′00″ W, a distance of 762.32 feet to a 1/2″ capped rebar found;
S 88°20′56″ W, a distance of 967.09 feet;
N 00°46′28″ W, a distance of 1103.04 feet;
N 01°17′06″ W, a distance of 1185.78 feet to a point in the approximate center of County Road 371;

THENCE S 89°17′15″ E, with the north line of said 95.444 acre tract, and with said County Road 371, a distance of 1496.53 feet;
THENCE S 88°41′44″ E, with said Country Road 371, and with the north line of said 95.444 acre tract of land, passing at a distance of 190.26 feet a PK nail found at the northeast corner thereof, and being the northwest corner of said 80.000 acre tract, and continuing with the north line thereof, a total distance of 591.09 feet to a PK Nail found;
THENCE S 88°38′19″ E, with the north line of said 80.000 acre tract, and said County Road 371, a
distance of 810.84 feet to the POINT OF BEGINNING and containing approximately 179.573

acres of land.



1/29/2022



NOTES:

1. Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83

2. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.

PID EXHIBIT
ANACAPRI
in the
F. T. DAFFAU SURVEY, ABSTRACT NO. 288
JOHN ELLETT SURVEY, ABSTRACT NO. 296
MARTIN MOORE SURVEY, ABSTRACT NO. 649
S. E. ROBERTS SURVEY, ABSTRACT NO. 786
ELI W. WITT SURVEY, ABSTRACT NO. 997
CITY OF ANNA
COLLIN COUNTY, TEXAS

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DRAWN BY: JG DATE: 1/29/2022 SCALE: 1"=300' JOB. No. MEH 2021310076