**Regular City Council Meeting**
**Meeting Minutes**

THE CITY OF Anna

**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 met 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.

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

   Mayor Pike called the meeting to order at 6:37 PM.

   All City Council Members present.

   Commissioner Rubits called the Planning and Zoning Meeting to order at 6:37 PM.

   Commissioners Grady and Wenzel were absent. Chairman Henke arrived at 6:52 PM.

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

   Mayor Pike led the Invocation and Pledge of Allegiance.

3. **Neighbor Comments.**

   There were no public comments.

4. **Reports.**

   a. Update on TXDOT Meeting with Staff.

   City Manager Proce stated that the City of Anna held a coordination meeting with TxDOT Dallas District Engineer Mo Bur on Monday, February 28, 2022, at 10 AM at the Central Fire Station. Topics discussed were Right-of-Way Maintenance on US 75, SH 5 Widening, US 75 Widening, Traffic Signal Needs, and US 75 Phase 1 Widening - Utility Reimbursement.

5. **Work Session.**

6. **Consent Items.**

Consent Items 6 i. and k. were removed.

MOTION: Council Member Toten moved to approve Consent Items 6 a. - h., j, and l. Council Member Ussery seconded. Motion carried 7-0.

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)

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 certificate, 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

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.

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

Single-family residence and three 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.

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

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

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.

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

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

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.

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

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

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.

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

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.

The Developer submitted a letter to withdraw this item.

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.

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.

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.

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)

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 approved to move forward during the Joint Council/Park Advisory Board joint meeting work session on February 28, 2022.

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

MOTION: Council Member Carver moved to approve. Council Member Toten seconded. Motion carried 4-3. Council Members Miller, Vollmer, and Atchley opposed.

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)

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.

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.

7. **Items For Individual Consideration.**

a. Planned Development Amendment, Avery Point Commercial, Block A, Lots 1R and 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.

Mayor Pike opened the Public Hearing at 7:02 PM.

Director of Development Services Altobelli presented.

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:

o Reduced building height adjacent to residential homes - Two-story buildings must be setback 160 feet from the eastern property boundary.
o Reduced parking for self-storage, mini-warehouse - 1 space per 100 storage units plus 1 space per 1,000 sf GFA of office space.
o Hours of operation - 6:00 a.m. to 10:00 p.m.
o Prohibit outside storage
o 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.

Property Developer Clint Richardson spoke and answered questions regarding the proposed project.

Mayor Pike closed the Public Hearing at 7:21 PM.

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.

MOTION: Commissioner Rubits moved to approve. Commissioner Patterson-Herndon seconded. Motion was withdrawn.

MOTION: Commissioner Rubits moved to require a closing time of 9:00 PM. Commissioner Patterson-Herndon seconded. Motion carried 5-0.

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.

MOTION: Council Member Vollmer moved to approve as presented. Council Member Atchley seconded.

Council Member Vollmer withdrew his motion. Council Member Atchley withdrew his second.

MOTION: Council Member Vollmer moved to approve requiring a closing time

of 9:00 PM. Council Member Miller seconded. Motion carried 7-0.

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

MOTION: Commissioner Patterson-Herndon moved to approve. Commissioner Wenzel seconded. Motion carried 3-2. Commissioners Rubits and Ogan opposed.

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.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 7-0.

6) Planning & Zoning Commission - Adjourn

MOTION: Commissioner Patterson-Herndon moved to adjourn. Commissioner Ogan seconded. Motion carried 5-0.

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)

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:

- o Motel, motor hotel, or motor lodge
- o Residence hotel
- o Hotel

Mayor Pike opened the Public Hearing at 7:34 PM.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 7:34 PM.

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

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.

Developer withdrew the item.

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.

Developer withdrew the item.

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

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.

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.

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

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)

Mayor Pike recused himself from the meeting.

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 City Council will consider a separate resolution creating the PID.

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.

MOTION: Council Member Vollmer moved to approve. Council Member Toten seconded. Motion carried 6-1. Mayor Pike abstained.

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.

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

Mayor Pike recessed the meeting at 7:43 PM.

Mayor Pike reconvened the meeting at 8:46 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.

No action was taken.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 8:46 PM.

Approved on March 22, 2022.

Mayor Nate Pike

ATTEST:

City Secretary Carrie L. Land

CITY OF ANNA TEXAS

Exhibit A
March 8, 2022

RECEIVED
MARCH 8, 2022
PLANNING & DEVELOPMENT
CITY OF ANNA

PROVIDENT REALTY ADVISORS

March 8, 2022

City Council
City of Anna
3223 N. Powell Parkway
Anna, Texas 75409

Anna West, Block A, Lot 1

Dear Sirs/Madams,

Please consider this our request to withdraw items 6i (Development Agreement), 7c (Annexation), and 7d (Zoning) for Anna West, Block A, Lot 1.

Sincerely,

Douglas Backes
Director of Underwriting

10210 N. Central Expressway | Suite 300 | Dallas, TX 75231
Telephone 972-385-4100 | Fax 972-239-9373 | www.providentrealty.net