MINUTES
PLANNING AND ZONING COMMISSION
January 3, 2022

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on January 3, 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 7:01 pm.

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

2. Invocation and Pledge of Allegiance

   Commissioner Ogan 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

Commissioner Patterson-Herndon made a motion to remove Consent Agenda Item No. 5 and Consent Agenda Item No. 12. The motion was seconded by Commissioner Ogan. The vote was unanimous.

A motion was then made by Commissioner Patterson-Herndon, seconded by Commissioner Grady to approve Consent Agenda Items 6-11 and 13-16. The vote was unanimous.

Commissioner Patterson-Herndon advised the Commission that her reasons for removing Consent Agenda Item No. 5 were for the following reasons:

Consent Agenda Item No. 5 – Discrepancy in Public Hearing Item No. 24 referencing "Ms. Altobelli" instead of "Mr. Altobelli". Also, a correction to Commissioner Patterson-Herndon's question regarding Public Hearing Item No. 24 in reference to Sales Tax Comparison.

A motion was made by Commissioner Grady, seconded by Commissioner Rubits to approve Consent Agenda Item No. 5 with the above referenced modifications. The vote was unanimous.

Commissioner Patterson-Herndon advised the Commission that her reason for removing Consent Agenda Item No. 12 was for the following reason:

Consent Agenda Item No. 12 – Discrepancy in Staff Report that referenced the proposed use in that it would be "Retail/Restaurant" when the correct use would be Pharmacy.

A motion was made by Commissioner Patterson-Herndon, seconded by Commissioner Rubits to approve Consent Agenda Item No. 12 with the above referenced modifications. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the December 6, 2021 Planning & Zoning Commission Meeting.

6. Consider/Discuss/Action on a recommendation regarding the De La Torre Estates, Block A, Lot 1, Development Plat. Applicant: Ruben & Rosa De La Torre.

7. Consider/Discuss/Action on a recommendation regarding the Reston Ranch, Block A, Lot 1, Development Plat. Applicant: Angela Reston.

8. Consider/Discuss/Action on a recommendation regarding the Miller Addition, Block A, Lot 1, Development Plat. Applicant: Glen Hobart Miller.

9. Consider/Discuss/Action on a recommendation regarding the NTM Masonry Estates, Block A, Lots 1 & 2, Final Plat. Applicant: NTM Masonry Company, LLC.

10. Consider/Discuss/Action on a recommendation regarding the J. A. Greer Addition, Block A, Lot 1, Final Plat. Applicant: Joe and Becky Greer.

11. Consider/Discuss/Action on a recommendation regarding the Persimmon Drive, Final Plat. Applicant: Anna 51 Joint Venture.

12. Consider/Discuss/Action on a recommendation regarding the Anna Retail Addition, Block A, Lot 4, Site Plan. Applicant: Anna 31 Retail, LP.

13. 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.

14. Consider/Discuss/Action on a recommendation regarding the Anna Town Square Addition, Block A, Lot 1, Site Plan. Applicant: John Arnold / Anna Town Center Mixed Use LLC.

15. Consider/Discuss/Action on a recommendation regarding the Foster Crossing Addition, Block A, Lot 1, Preliminary Plat. Applicant: Sam Franklin, Manager, East Foster LLC.

16. Consider/Discuss/Action on a recommendation regarding the Anna Ranch, Phase 2, Preliminary Plat. Applicant: Harlan Properties, Inc.

Items for Individual Consideration

17. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to amend the zoning on 6.0± acres located on the north side of W. White Street, 293± feet east of S. Ferguson Parkway to allow mini-warehouse by Specific Use Permit with modified parking standards on Lot 3 and to reduce the existing 15-foot Residential Buffering standard to 10-feet on Lot 2R. Zoned: Planned Development-General Commercial (PD-C-2) (Ord. No.'s 709-2015, 226-2005, & 179-2005). Applicant: Anna 455 Commercial, LLC & Retail Buildings, Inc.

    The Public Hearing was opened at 7:13 p.m.

    Ms. Mecke gave a brief presentation.

    Applicant, Grey Reid with the Davis Group, gave a brief presentation.

    Commissioner Grady asked the applicant if the facility will be fully staffed until 10:00 p.m. when the facility closes.

    Mr. Reid advised the facility will be fully staffed until 8:00 p.m. but that the gates will lock at 10 p.m.

    Commissioner Grady asked if the facility will be providing extra security.

    Mr. Reid advised there will not be any extra security.

Vice-Chairman Thomas asked the applicant, when staff leaves at 8:00 p.m., will they return at 10:00 p.m. when the facility closes for the evening.

Mr. Reid advised that he would have to get back with staff on that particular question. Mr. Reid advised he would need to check with the operator to determine whether or not staff would, for sure, leave at 8:00 p.m. or if they will, in fact, be onsite until closing at 10:00 p.m.

Commissioner Grady advised the applicant of her concerns and advised that she would like to know if someone will, in fact, be coming back onsite to check on things.

Commissioner Patterson-Herndon asked if the $160,000 in taxes, listed in applicant's presentation, would be just to the City of Anna or to County.

Mr. Reid advised that the amount is what would be paid to the City of Anna and Anna ISD.

Commissioner Patterson-Herndon asked the applicant what someone would do if they had an entire room or house in one of the storage units but only had one rollaway trash bin.

Mr. Reid advised that furniture was something someone would come pick up versus trash.

Commissioner Patterson-Herndon advised that someone passing by who sees the pile up of furniture would view that as trash.

Mr. Reid advised that furniture would be left in the unit if someone didn't want it. If there was an over flow of trash or anything outside of the unit, it would be the responsibility of staff to ensure it is cleaned up.

Commissioner Patterson-Herndon asked the applicant what else they would possibly propose at that location if the storage facility was not approved.

Mr. Reid advised that if their use was not approved, it would go back to the owner who would then need to find another potential buyer with some other use.

Commissioner Ogan asked staff and the applicant if there was any data that would show that a building like this, or facility like this, would impact the property values of the adjacent homeowners.

Mr. Reid advised that they did not have any data that would show that property values for the neighboring residents, would decrease.

Mr. Altobelli advised that staff did not have any information that would indicate property values decreasing because of a facility like this one but studies could always support the fact that it decreases property value and some studies indicate that it does not impact property values.

Commissioner Ogan asked staff if they had any input from the police department as it pertains to security concerns regarding this type of facility.

Mr. Altobelli advised that staff did not have any input from the police department however, the facility is proposed to be a secured site.

Commissioner Patterson-Herndon asked staff how tall this particular building is going to be compared to the other buildings in the area along White Street.

Mr. Altobelli advised that the zoning allows for a 2-story building but that the applicant would need to answer exactly how tall the facility is going to be. Mr. Altobelli also advised the Commission that the applicant was proposing to limit the back half of the lot to a single story.

Mr. Reid advised that the current concept proposes the 2-story building to be 35-feet.

Commissioner Rubits asked the applicant if the Southeast, East, and West sides were proposed to have a wall.

Mr. Reid advised that the north and east sides currently have a wall already but they are proposing to mimic the same wall for the remainder.

Commissioner Rubits asked the applicant if they would allow people to live in their storage units.

Mr. Reid advised the Commission that they do not allow people to live in their storage unit.

Commissioner Wenzel asked staff how they should vote with three separate requests listed in the Planned Development.

Mr. Altobelli advised the Commission that there are three separate requests and proceeded to list each request. Mr. Altobelli advised the Commission that they can vote on them separately if they choose.

Ms. Mecke advised the Commission that staff received 25 responses to the legal notification that were mailed out. Of those 25 responses, 23 were in opposition and 2 were in favor.

Mr. John Oglesby, residing at 1333 Crescent View Drive, spoke in opposition and advised his reasons were due to possible property values declining and increased traffic concerns with all of the new residential development. Mr. Oglesby also expressed that this facility would be best suited elsewhere and if the facility staff leaves at 7:00 p.m., there is nothing stopping someone from moving into one of the units.

Mr. William Brush, residing at 1330 Crossvine Drive, spoke in opposition and advised his reasons were due to concerns of the height of the building causing less privacy for his home, light pollution, potential criminal activity after 7:00 p.m. when staff has left for the evening, and a decrease in property values. Mr. Brush also stated that garbage rollouts were for the birds.

Ms. Jessica Hurley, residing at 1701 Avery Pointe Drive, spoke in opposition and advised her reasons were due to the fact that it does not meet the Comprehensive Plan. Ms. Hurley proceeded to read the Community Commercial Zoning description from the city's Comprehensive Plan. Mr. Hurley also listed the guidelines from the Comprehensive Plan and listed examples of businesses that are desired for the Community Commercial.

Mr. Abraham DiPaolo, residing at 304 Waterton Drive, filled out a speaker card in order to speak in opposition. However, when his name was called, Mr. DiPaolo advised the Commission that his concerns were addressed and he no longer wished to speak.

Mr. Lee Norment, residing at 1341 Timberfalls Drive, spoke in opposition and advised his concerns were due to possible decreased property values and possible security issues.

Mr. Zeshan Atiq, residing at 1301 Crescent View Drive, spoke in opposition and advised his concerns were due to possible increased crime and traffic violators and accidents. Mr. Atiq also advised that he called existing storage facilities in the area and found that they are not full and are only at a 50% occupancy rate.

Mr. Matt Burns, residing at 1301 Chapel Hill Drive, spoke in opposition and advised his concerns were due to possible decreased property values and individuals possibly living in the units, Mr. Burns also advised that he was opposed to the 35-foot height allowance and that he feels the facility is out of place at that particular location.

Ms. Julia Norvel, residing at 1524 Westfall Drive, filled out a speaker card in opposition but chose not to speak. Ms. Tittle, Planner II for the city, read Ms. Norvel's opposition card to advise the Commission of her concerns. Ms. Norvell is in opposition due to concerns of possible decrease in property values, increase in traffic, possible illegal activity onsite such as, drugs, drug labs, firearms concealed within the unit(s). Ms. Norvell also advised that the P&Z guidelines state: "to protect properties from incompatible adjacent land uses and to preserve the character of the community." Ms. Norvell advised that City Council is supposed to represent the citizens of Anna and wants to know how a 700 storage unit facility would make Anna a better place to live.

Mr. Clint Richardson, residing at 10950 Research Road in Frisco, on behalf of the property owner, spoke in favor of the request and advised the Commission and the audience that the home builder of the existing homes was not interested in this particular piece of land so no matter what, this piece will be commercial and the residents knew that when they bought their homes. Mr. Richardson also advised that this use is the lowest impact as it pertains to traffic compared to other uses that could potentially come in and would be allowed by right.

Mr. Nathan Nicholson, residing at 1609 Fields View Drive, spoke in opposition and advised that he would just like the Commission and the applicant to listen to the residents and their concerns and know that most of the residents are opposed to this facility.

Mr. James Chumley, residing at 612 Stars Drive, spoke in favor and advised that he is pro development. Mr. Chumley asked that the applicant ensure the facility is meeting security.

The Public Hearing was closed at 8:14 p.m.

Commissioner Rubits reminded the Commission that there is a lot of opposition but to also keep in mind the other uses that could potentially go onto this site and would not need approval. Commissioner Rubits also advised the Commission that he agrees with the applicant and staff that this is the best use for the property.

Commissioner Wenzel reminded the audience that this vote was just a recommendation and that Council would have the final say.

Commissioner Grady reminded the Commission that they should be listening to the residents and that they are clearly opposed to this use.

Commissioner Rubits made a motion to approve all three items but to add a stipulation that the facility be staffed at all times that the gate can be accessed. The motion failed to have a second.

Commissioner Grady made a motion to approve item 1 (to reduce the landscape buffer along Lot 2R) but to deny items 2 & 3 (request for the Specific Use Permit to allow for the use of a storage facility and modify development standards associated with the facility). The motion was seconded by Commissioner Ogan. The vote was 4-2 with Commissioner Rubits and Commissioner Patterson-Herndon voting against the motion.

B) Consider/Discuss/Action on a recommendation regarding the Avery Pointe Commercial, Block A, Lot 3, Concept Plan.

Mr. Altobelli gave a brief presentation.

A motion was made by Commissioner Grady, seconded by Commissioner Wenzel to recommend denial of the Concept Plan. The vote was 4-2 with Commissioner Rubits and Commissioner Patterson-Herndon voting against the motion.

C) Consider/Discuss/Action on a recommendation regarding the Avery Pointe Commercial, Block A, Lot 2R, Site Plan.

Mr. Altobelli gave a brief presentation.

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

18. 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 SF-Z Single-Family Residence District – Zero Lot Line Homes (SF-Z) and Restricted Commercial District (C-1). Applicant: Harlow Sheryl Family Trust, Colby Harlow Trustee – Harlow Capital Management, LLC.

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

Ms. Mecke gave a brief presentation. Ms. Mecke advised that the applicant was continuing to work through staff's comments and because of this, has requested to table and hold the Public Hearing open the item to the February 7, 2022 Planning & Zoning Commission Meeting.

Vice-Chairman Thomas noted that the item will be tabled and held open to the February 7, 2022 Planning & Zoning Commission Meeting.

19. A) Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding a request to zone 153.6± acres located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway. Currently zoned: Agricultural District (AG) and Extraterritorial Jurisdiction (ETJ). Applicant: TFCC Coyote, LLC.

The Public Hearing was opened at 8:46 p.m.

Ms. Mecke and Mr. Altobelli gave a brief presentation.

Applicant provided the Commission with a brief presentation.

Mr. John Beazley, address P.O. Box 673, spoke in opposition and advised his concerns were due to traffic and possible flooding around the adjacent properties.

The applicant advised that they will be providing some infrastructure in order to assist with drainage.

Mr. Altobelli was able to show the area on a map, of where staff is working with the applicant and TXDOT on possible roadway improvements.

Mr. James Chumley, residing at 612 Stars Drive, asked that a light and sidewalks be added along the right-of-way for the safety of the residents.

The Public Hearing was closed at 8:58 p.m.

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

B) Consider/Discuss/Action on a recommendation regarding the Coyote Meadows, Preliminary Plat.

Ms. Mecke gave a brief presentation and advised that staff is recommending approval with a waiver to the 1,000-foot connection requirement per the subdivision regulations.

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

Adjourn

A motion was made by Commissioner Rubits, seconded by Commissioner Ogan to adjourn the meeting. The vote was unanimous. The meeting adjourned at 9:02 p.m.

Donald Henke
Planning and Zoning Commission Chairman

ATTEST: