

**Memorandum**

**Memorandum No: 23-132**

**Date:** May 1, 2023  
**To:** Anna Public Facility Board of Directors  
**From:** Ryan Henderson, Interim City Manager   
**Re:** Proposed PFC Project in Anna Town Square

**Summary**

The Anna Public Facility Corporation has been approached by JPI in pursuit of a partnership related to the Serenity on the Square project in Anna Town Square. Serenity on the Square is currently owned by GB Partners, LLC and JPI is in negotiations with them for the purchase of the property. The Anna PFC has entered into two previous agreements with JPI — Parmore Anna Senior Living and The Villages of Waters Creek. JPI is one of the largest multifamily builders in Texas.

**Serenity on the Square History and Proposed Project**

Serenity on the Square is located at the intersection of Sharp Street and Finley Boulevard. Last May, the site’s zoning was updated to MF-2 with several stipulations including a minimum of 5,000 square feet of commercial space, maximum of 3-stories or 50 feet (4-stories or 65 feet when commercial uses are on the first floor), maximum of 320 units, 50% covered parking, perimeter fencing, a minimum of seven (7) live/work units, and landscape buffers.

JPI is proposing a 320-unit project that includes commitments to all the stipulations laid out in the zoning. Below is a summary of the unit breakdown/cost and term summary included in their Memorandum of Understanding that is currently being reviewed by staff. For reference, the current Area Media Income (AMI) for Collin County is just over \$102,000 and \$71,186 for the U.S.

Type	# of Units	% Mix	NRSF / Unit	Total NRSF	Rent / Unit / Month
Market-Rate Units	157	49.1%	919	144,295	\$1,747
70% AMI Units	107	33.4%	919	98,364	\$1,405
80% AMI Units	56	17.5%	937	52,460	\$1,637

<b>Affordability Summary</b>			
	Units	Avg. Rent	Affordable Discount to Market
Total Market Rate	157	\$1,747	
Total Affordable	163	\$1,485	-15.0%

**Term Summary**

Affordability:

- 33% of the units at 70% AMI
- 17% of the units at 80% AMI
- Rest of the units at market
- Developer Fee
  - 5% of the total cost of the project \* 20% payable at closing
- Lease Payment
  - \$27,500 per year + 3%
- GC Fee
  - 1% of the hard construction costs, payable half at closing and half at completion of construction of the project
- Partnership Management Fee
  - \$10,000 per year + 3%
- Gross Sale Proceeds
  - 1% of gross sale price pursuant to a sale/refinance of the project
- Refinance Proceeds
  - 10% of net cash flow after repayment of debt and 8% return on developer equity

**Next Steps**

The Council will be presented with a Memorandum of Understanding at the May 9, 2023, City Council Meeting. JPI would like to close by October 2023 and begin construction shortly thereafter.

Attachments:

**Exhibit 1 - Zoning Ordinance 980-2022**

- c:     Joey Grisham, Economic Development Director  
        Ross Altobelli, Development Services Director  
        Taylor Lough, Assistant City Manager  
        Greg Peters, Interim Assistant City Manager  
        Management Team

**CITY OF ANNA, TEXAS**  
**(Property zoned under this ordinance is generally located at the northeast corner of  
Finley Boulevard and Sharp Street.)**

**ORDINANCE NO. 980-2022**

**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 Anna Town Square Partners I, LLC on Property described in Exhibit 1 ("Property") attached hereto and incorporated herein for all purposes as if set forth in full; and

**WHEREAS**, said Property generally located on the located at the northeast corner of Finley Boulevard and Sharp Street was zoned by Ordinance 129-2004 & Ord. No. 691-2015; 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 depicted in the Concept Plan on the attached Exhibit 1.

## **1. Purpose.**

The purpose of this Planned Development District is to facilitate the development of a high-quality Commercial and 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.**

- A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).
- B. Standards and Area Regulations: Development must comply with 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 unless except as otherwise modified within Standards for Multi-Family Developments identified within District I & F under Ordinance No. 129-2004 and Ordinance No. 691-2015 or as specified herein.
  - i. Land use: Remove commercial land use component for Sub-District F
  - ii. Maximum height (feet): 3 Stories or 50 feet; 4 Stories or 65 feet when commercial uses are on the first floor.
  - iii. Maximum number of units: 320
  - iv. Front yard setback: Multi-family building #4, as shown on the approved Concept Plan, shall be set back a minimum of 46 feet from the Sharp Street right-of-way.
  - v. Parking: A minimum of 1 off-street parking spaces shall be provided per one-bedroom and studio units, two (2) spaces per two or more-bedroom units, plus 0.25 per dwelling unit for visitor parking.
  - vi. Covered parking: 50% of the required unit parking must be covered to include garages.
  - vii. Perimeter fence: Border screening and fencing on any perimeter not abutting a public right-of-way shall consist of the following:
    - 1) Ornamental metal fence, such as wrought iron or tubular steel no less than six feet in height along with masonry columns at no more than 50-foot intervals.

- 2) Along the northern and eastern property boundary a 10-foot-wide landscape buffer consisting of a vegetative screen comprised of minimum 3" caliber trees planted staggered at 25-foot centers.
- viii. Refuse facilities: Development shall have a minimum of one compactor onsite. Each compactor facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a 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. Development will utilize a valet waste service to collect residents' trash directly on scheduled days.
- ix. Landscape buffer:
- 1) Waiver of the 20-foot landscape buffer requirement along Finley Boulevard for the section of right-of-way where parallel parking is proposed.
  - 2) A 10-foot landscape buffer/screening shall be provided along the entire building frontage of Multi-family building #4 as shown on the approved Concept Plan.
- x. Flex live/work units:
- 1) Multi-Family Building #2, as shown on the Concept Plan, shall be designed with a minimum seven (7) flex live/work units. Flex live/work units are defined as ground floor units that may be occupied by a residential use, a nonresidential use, or both. Flex live/work units must have an individual exterior entrance and a minimum floor-to-ceiling separation of 9 feet. A flex live/work unit must be constructed to accommodate nonresidential uses and may not be modified to prevent nonresidential occupancy.
  - 2) Permitted uses: Uses as permitted by right or by specific use permit in the C-1 Restricted Commercial District are permitted by right or with a specific use permit within the flex live/work units except Automotive and Related Service Uses.
- xi. Commercial lease space: A minimum of 5,000 square feet of commercial lease spaces is required in conformance with uses allowed within Sub District F per Exhibit "D" Land Use Matrix within Ord. No. 129-2004.
3. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.
  4. The Concept Plan will expire after two (2) years of approval.

### **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 Pro Tem, 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 24th day of May 2022.

ATTESTED:

APPROVED:

*Carrie L. Land*  
Carrie L. Land, City Secretary



*Lee Miller*  
Lee Miller, Mayor Pro Tem



CITY OF ANNA

PLANNING & ZONING COMMISSION

May 2, 2022

**Public Hearing:** Zoning – PD-C-2/MF-2 (Serenity at the Square)

**Applicant:** Anna Town Square Partners I, LLC

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**DESCRIPTION:**

Request to amend adopted and existing standards for multiple-family development within portions of Subdistrict I, F, & D of the existing Planned Development on one lot on 11.0± acres located at the northeast corner of Finley Boulevard and Sharp Street. The property is currently zoned Planned Development (Ord. No. 129-2004 & Ord. No. 691-2015).

**HISTORY:**

**Initial Zoning**

The zoning of Anna Town Square (Ord. No. 129-2004) is comprised of Sub-Districts (Exhibit B) that contain adopted conditions/standards associated with each. A Concept Plan (Exhibit C) identified roadway alignments that provided borders associated with each sub-district boundary. However, within Section 4: Design Standards of the zoning there was a subsection associated with Roads which included the following language;

Roads:

*...“The alignments shown on the plan are conceptual. The alignments of each of the roads may be repositioned at the time of platting for each individual tract.”....*

When the initial and subsequent preliminary plats were submitted for development within Anna Town Square the alignment of the proposed roadways shown on the approved Concept Plan and outlined within the Sub-District Map were modified. Unfortunately, the Sub-District areas and Concept Plan were not modified accordingly to match that of the modified roadway alignments.

**Zoning Amendments**

The initial zoning associated with Anna Town Square has been amended per the following Ordinance amendments.

Ord. No. 236-2005                      Additional land area added to the PD

Ord. No. 627-2013                      Add an additional sub-district and modify sub-districts A & B conditions/standards.

- Ord. No. 691-2015 Adding land use to sub-districts I, H, F, & D (Longhorn cattle)
- Ord. No. 703-2015 Palladium apartments
- Ord. No. 755-2018 Modify sub-district F & H conditions/standards
- Ord. No. 942-2021 Parmore – Anna Senior apartments
- Ord. No. 943-2021 The Grand at Anna apartments

**REMARKS:**

The subject property is located within portions of District I (Southern Town Center Adjacency Zone), District H (Southern Town Center Zone), and District D (Town Center Town Home Zone) within the Anna Town Center Planned Development Districts that are depicted within Exhibit B (Sub-District Map) and Exhibit C (Concept Plan) within Ord. No. 129-2004 (Exhibit 1).

The applicant is requesting to modify Planned Development Sub District standards and existing MF-2 Multiple-Family Residential – High Density (MF-2) development standards associated with parking, fencing, and refuse facilities.

A concept plan (Exhibit 2), Serenity at the Square Block A, Lot 1, accompanies this request.

**Surrounding Land Uses and Zoning**

North	Single-family residences, under construction (Anna Crossing Villas).
East	Across Finley Boulevard – vacant land zoned (Ord. No. 129-2004 & Ord. No. 691-2015)
South	Across Sharp Street – existing single-family residences (Anna Crossing Phase 1A)
West	Existing single-family residences (Anna Crossing Phase 5)

**Planned Development Sub-Districts I, F, & D**

The tract of land associated with the applicant’s zoning amendment is located within three Planned Development Sub-Districts (I, F & D). Each district permits the land use of multi-family by-right per Exhibit D (Land Use Matrix) within Ord. No. 129-2004.

Sub-District I - Multi-family development allowed by-right with a maximum height of 3 stories or 50 feet and/or 4 stories or 65 feet when commercial uses are on the first floor. The maximum density allowed is 24 units per acre free standing with 36 units per acre when above commercial uses.

Sub-District F - Any multi-family building located within Sub-District F must contain a commercial component. The maximum density allowed is 24 units per acre free standing with 36 units per acre when above commercial uses.

Sub-District D - Attached or detached unit types either on platted lots or multiple units on a single lot. Maximum height of two and a half stories or 35 feet.

### **Proposed Planned Development Stipulations**

**Land Use** – Sub-District F requires a commercial component within any multiple-family residence building.

- The applicant is requesting to waive the commercial land use component for the area of their development located within Sub-District F

**Maximum Height** – Sub-District D includes a Maximum Height allowance of 2.5 Stories or 35 feet.

- The applicant is proposing to modify the maximum height allowance for the portion of the tract located within Sub-District D to match and be in alignment within Sub-District I and F.
  - *3 Stories or 50 feet; 4 Stories or 65 feet when commercial uses are on the first floor.*

**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 parking for one-bedroom and studio units to 1 space and reduce the amount of covered parking to 50%.
- The zoning will maintain the required two (2) spaces per two or more-bedroom units and additional 0.25 visitor parking requirements.

**Screening fence** – The MF-2 zoning requires border fencing of masonry construction not less than eight feet in height be installed along the property line on any perimeter not abutting a public street right-of-way.

When the zoning for Anna Crossing Villas, located to the north, was established and amended (Ord. No. 755-2018 & Ord. No. 768-2018) there was a specific stipulation that required a 6' masonry wall.

*“A 6' Masonry Wall shall be constructed along the Southern board of Patio Home Development.”*

- The applicant is requesting not to install a screening fence along the northern property due to the zoning stipulation for Anna Crossing Villas
- Along the eastern property boundary install a six-foot-high ornamental metal fence with masonry columns at no more than 50-foot.

- Along both the northern and eastern property boundaries, in addition to the Anna Crossing Villas masonry wall and the proposed ornamental metal fencing, include a 10' wide landscape buffer with vegetative screening. The vegetative screen is to comprise of minimum 3" caliber trees planted staggered at 25-foot centers.

**Refuse Facilities** – Rather than having multiple dumpsters, the application is proposing one compactor on-site and utilizing a valet waste service.

**Landscape Buffer** – For multiple-family parcels, a minimum 20-foot landscape buffer adjacent to the right-of-way of any major thoroughfare is required.

- The applicant is proposing to remove the landscape buffer requirement along a section of Finley Boulevard where slip driveway and parallel parking is proposed.

*To help support and justify the modified standards, the applicant has provided additional information (Exhibit 3).*

## **ISSUES:**

Land Use: A portion of the applicant's property is located within Sub-District F. Sub-District F requires a commercial component within any multi-family residence building. The applicant is requesting to remove this requirement due to the location of Sub-District F and the form of multi-family development proposed within the majority of this sub-district area (attached 1-bedroom units, urban flats).

Building Height: A portion of the applicant's property is located within Sub-District D. Sub-District D has a different maximum height allowance than Sub-Districts I & F. The applicant's request to increase the maximum height maintains current maximum height allowances established for multi-family developments.

Parking: The applicant is only requesting to reduce the amount of parking allocated for 1-bedroom and studio units while maintaining requirements for larger units and guest parking. Additionally, the applicant is requesting to reduce the amount of covered parking from 75% to 50%.

Screening Fence: The residential development along the northern property boundary (Anna Villas), as part of their zoning, is required to install a 6' masonry wall along their southern district boundary. To soften the visual appearance between the multiple-family residence development and the existing residential developments to the east the applicant is requesting to install wrought iron fencing with masonry columns rather than a solid masonry wall. Additionally, along property boundaries not abutting street R.O.W., the applicant is proposing a 10-foot-wide landscape buffer comprised of trees planted staggered at 25-foot centers.

Refuse Facility: Rather than having multiple dumpster locations that could be in close proximity to neighboring developments, the applicant is requesting to install one trash compactor and utilize a valet waste service to collect residents' trash directly on scheduled days.

Landscape Buffer: The applicant is requesting to waive the 20-foot landscape buffer requirement along Finley Boulevard for the section of right-of-way where parallel parking is proposed along the slip road. The parallel parking is primarily designed for future retail tenants.

**SUMMARY:**

Request to modify existing multiple-family residence development standards on 11.0± acres located at the northeast corner of Finley Boulevard and Sharp Street.

The subject property currently allows multi-family land use by-right. The applicant is proposing to modify multiple-family residence development standards that they believe will allow for a superior development than what would be allowed under existing zoning allowances.

**RECOMMENDATION:**

If the Planning & Zoning Commission is in agreement with the proposed amendments as presented by the applicant the Commission should include the following restrictions as part of their motion.

Recommended for approval as follows:

Restrictions:

1. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).
2. Standards and Area Regulations: Development must comply with 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 unless except as otherwise modified within Standards for Multi-Family Developments identified within District I & F under Ordinance No. 129-2004 and Ordinance No. 691-2015 or as specified herein.
  - A. Land use: Remove commercial land use component for Sub-District F
  - B. Maximum height (feet): 3 Stories or 50 feet; 4 Stories or 65 feet when commercial uses are on the first floor.
  - C. Maximum number of units: 320

- D. Front yard setback: Multi-family building #4, as shown on the approved Concept Plan, shall be set back a minimum of 46 feet from the Sharp Street right-of-way.
  - E. Parking: A minimum of 1 off-street parking spaces shall be provided per one-bedroom and studio units, two (2) spaces per two or more-bedroom units, plus 0.25 per dwelling unit for visitor parking.
  - F. Covered parking: 50% of the required unit parking must be covered to include garages.
  - G. Perimeter fence: Border screening and fencing on any perimeter not abutting a public right-of-way shall consist of the following:
    - i. Ornamental metal fence, such as wrought iron or tubular steel no less than six feet in height along with masonry columns at no more than 50-foot intervals.
    - ii. Along the northern and eastern property boundary a 10-foot-wide landscape buffer consisting of a vegetative screen comprised of minimum 3" caliber trees planted staggered at 25-foot centers.
  - H. Refuse facilities: Development shall have a minimum of one compactor onsite. Each compactor facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a 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. Development will utilize a valet waste service to collect residents' trash directly on scheduled days.
  - I. Landscape buffer:
    - i. Waiver of the 20-foot landscape buffer requirement along Finley Boulevard for the section of right-of-way where parallel parking is proposed.
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3. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.
4. The Concept Plan will expire after two (2) years of approval.