

**MINUTES
PLANNING AND ZONING COMMISSION
November 4, 2019**

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on November 4, 2019, at the Anna City Hall Administration Building located, 111 North Powell Parkway, to consider the following items.

1. Call to Order and Establishment of Quorum

Since Commissioner Tutson was running late, Commissioner Barton temporarily took over the chairman duties and called the meeting to order at 7:19 pm.

Members present were Don Callaham, Wayne Barton, Alonzo Tutson, Donald Henke, Leslie Voss, and Danny Ussery. Daniel Moody was absent. Staff present was Ashley Stathatos, Alexis Vanderslice, and Ross Altobelli.

2. Invocation and Pledge of Allegiance

Commissioner Barton gave the invocation led the Pledge of Allegiance.

3. Citizen Comments: At this time, any person may address the Planning and Zoning Commission regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

There were no citizen comments.

4. Consider/Discuss/Action on recommendation regarding a Minor Replat for SASM Investments Addition, Block G, Lot 1BR. Applicant: Jackman Real Estate, LLC

Commissioner Tutson showed up before the vote for this item, so Commissioner Barton relinquished the chair duties back to him.

Mr. Altobelli gave a brief presentation and answered questions from the Commission. The minor replat is located in the J. C. Farris Survey, Abstract No. 331. The plat contains approximately 1.107 acres covering a section of land located at 600 and 604 White St. This is a minor replat of Block G, Lot 1B of the previously approved final plat in order to abandon a section of easement.

A motion was made by Commissioner Henke, seconded by Commissioner Callaham to recommend approval of the minor replat. The vote was unanimous.

5. Consider/Discuss/Action on recommendation regarding the Site Plan and Landscape Plan for Wal-Mart Anna Addition, Block A, Lot 5. Applicant: Halff Associates, Inc.

Mr. Altobelli gave a brief presentation and answered questions from the Commission. Halff Associates, Inc, the representative for the owner of the property, has submitted a site plan and landscape plan for a restaurant with drive through service located at Block A, Lot 5 of the Wal-Mart Anna Addition. The site contains approximately 1.4604 acres of land that are zoned Planned Development 648-2014 with a General Commercial (C-2) base.

Commissioner Barton noted that he is unhappy with the dumpster placement but agrees that there is not really a great spot for it on the site. He also noted that he is happy that they are giving so much parking on the site and that they will have a dual drive through lane.

Commissioner Ussery asked if the items on the building rendering above the awning were lights. He also asked how many stacking spaces they have. Mr. Altobelli answered that there will be five from the menu board.

Commissioner Voss wanted to make sure there was no conflict with the access drives from CVS and Staff does not believe that there is.

A motion was made by Commissioner Callaham, seconded by Commissioner Voss to recommend approval of the site plan and landscape plan. The vote was unanimous.

6. Conduct a public hearing to consider a residential replat for a portion of Sweetwater Crossing Phase II. The purpose for the replat is to modify property boundaries in order to create four additional single-family residence lots and one common area lot and to modify building setbacks. Applicant: Starlight Homes Texas, LLC

Mr. Altobelli gave a brief presentation and answered questions from the Commission. The replat contains approximately 19.43 acres covering a section of land North of Sweetwater Crossing Phase I off of Highway 5 that will consist of 82 residential lots and 1 open space lot. The purpose for this replat is to re-align the ATMOS gas easement, abandon and dedicate an easement, and create four additional single-family residence lots and one common area lot. The original boundary of the Planned Development was maintained.

Commissioner Henke asked where the common area lot was and asked about clarification on some of the easements in the replatted lots. He also asked to make sure that there is a minimum house size and that they can still meet the minimums for permitting, which Mr. Altobelli stated that they can.

Commissioner Tutson asked who is responsible for the landscaping. Mr. Altobelli stated that the HOA is responsible for the common area lot and the homeowners would be responsible for the Atmos gas easement on their own lots.

Commissioner Tutson opened the public hearing at 7:35 pm.

Resa Gilmore 2114 Evelyn Cir- asked what setbacks were being adjusted.

Commissioner Tutson closed the public hearing at 7:36 pm.

There was no vote made by the Commission. They felt the wording of the agenda item did not allow for it.

7. A) Conduct a public hearing to consider public comments on a request to rezone 2.9 acres located at the southwest corner of Leonard Avenue and Sharp Street from Planned Development-Single-Family Residence-60/Single-Family Townhome (PD-SF-60/SF-TH) to Planned Development-Restricted Commercial (PD-C-1) with modified development standards. Applicant: Carrillo Engineering, LLC

Ms. Stathatos gave a presentation about the proposed zoning.

Commissioner Tutson opened the public hearing at 7:46 pm.

Scott Intrieri 611 Haven- He is opposed to a commercial building in the center of the neighborhood since they had previously advertised that commercial would be in the front of the subdivision. It is also next to the community pool. It will cause more traffic and it is unsafe for the large amount of kids in the neighborhood. He stated that he thinks their traffic study is outdated and doesn't account for all of the families moving in. Commercial uses should be restricted to the front or somewhere else, not in the middle of the neighborhood.

Karla Beaty 2213 Nuehoff- Traffic is a major concern, because who knows when they will actually widen the roads. School traffic already flows out in to the street and she thinks the daycare will not provide ample parking like they claimed. She stated she went to two different children's lighthouse daycares, and since they were busy on a Sunday, she worries that it will not be a Mon-Fri use. She doesn't think the elevation of the day care will blend well with the look of the community and existing homes. She doesn't understand why it isn't being located at the front where the commercial should be. She looks out of the front of her home to that lot and doesn't want to look straight out onto the daycare every day.

Neal Beaty 2213 Nuehoff- Traffic is a concern, and he opposes the location being in the middle of the neighborhood. He stated he thinks the traffic study is outdated. He is concerned that since we only have two entrances and the developer purchased more land, that the community will only grow and the traffic will get worse. He believes this is a magnet for not only the homeowner congestion, but it will also bring more traffic in to the subdivision to make the existing traffic issue worse. He also stated that the signature lighthouse concept does not match the aesthetics of the neighborhood.

Resa Gilmore 2114 Evelyn Cir- She is a national real estate developer and knows what can/should be done in master planned communities. She doesn't believe it is an appropriate use for the site. She stated that she thinks the traffic study is outdated. She believes that the developer is attempting to making the infrastructure better, but it isn't up to the standard of living that it should be. She doesn't think it makes sense for commercial uses to be in the center of the subdivision, and that it should be at the front. The residents have made a significant investment by buying in this community and she asks that the city protect that investment and the current zoning of the property.

Robert Sweetnam 2105 Nuehoff- He stated that he is not ok with putting commercial in the center of the neighborhood. Combining people coming from 6-9 am to drop off kids with the school traffic, is only going to make the traffic issue worse. Especially if you are bringing in even more people from outside of the community. He has made a significant investment and doesn't think it is ok for the developer to make a profit off of a piece of land that should be a park. He believes the daycare should be on a main street and not in the middle of a neighborhood. He stated that he has ran daycares for long enough to know that it is a terrible location for one.

Susan Marchand 639 Brook- She stated that she is concerned about the traffic and the idea of a daycare located in the neighborhood instead of off of a main thoroughfare like Highway 5. She stated that they confronted the property owner (developer) as to why they wouldn't put the daycare in the front and they said they would have to break a plot of land to put a daycare there and they refused. She said that this did not sit well with her and stated that the developer came out and was not met with good vibes. Therefore the City needs to put their foot down and say no, and make them put it in the front of the subdivision or on one of the other main thoroughfares in Anna.

Ashley Mendiola-Smith 533 Haven- She stated that she holds the first chair of the social committee for the subdivision. She has gone back and forth a lot on this topic. She stated that she is a stay at home mom and has had to put her kids in daycare. She posted a poll up on the facebook page where the majority said they did not want anything there and the next vote is that they were ok with the daycare. She stated that these residents don't speak out because of the drama but did vocalize that they are ok with the daycare. Her take is that we are paying for the upkeep on the lot but if they no longer have to, then it makes it easier on the HOA. A daycare is a lesser of two evils compared to another commercial use.

Bruce Norwood 1133 Elizabeth- He stated that he is in favor of the zoning because it is a prime location and otherwise it will be some other heavier commercial use. He believes daycares are needed in Anna. Rejection of one will lead to non consideration for others in the future. He believes it is a good location for the type of road and its close location to the elementary school. He stated that this way, they can watch children after school without the need for a bus. He stated that he knows his points are contrary to most traffic concerns and believes the resentment is due to the developers broken promises and should not be held against the applicant.

Georgia King 2423 Thayne- She stated that she has a 2nd grader at Harlow and is on a waiting list on another daycare in town. She is in favor of the daycare and feels most of the traffic is from the community

and parents who are already dropping their kids off at school. She wants to be able to pick up her kid 2 blocks away to start her night instead of from across town. She also is uncomfortable with the fact that the buses and vans have to transport the children and she sees too many wrecks, so she would rather her child walk across the parking lot to a daycare instead of them driving her. She stated there are safety protocols at the pool already, since there is already an elementary school near there so adding a daycare should not be a safety concern. She stated that she hopes they put in the daycare for the parents like her who need it.

Wayne Marchand 639 Brook- He stated he is in opposition of the zoning due to traffic. He believes that starting construction during the middle of the current and future construction will only make the traffic worse. He stated that he believes it should be put up front where they were originally told commercial would go.

John Kizlyk 607 Haven- He stated that he has concerns about the current traffic and the construction traffic that is going on right now. He stated there have been many close calls with construction traffic already which is why several people have already been side swiped and in accidents at that intersection and others. He doesn't believe Sharp is built out enough to accommodate the traffic. The intersection at Finley is narrow and a sharp turn that he believes is too dangerous for all of the construction and neighborhood traffic. He stated that he believes the neighborhood is not opposed to the daycare, they are just opposed to the location. He would prefer it be at the front of the neighborhood near Finley where it is still within close proximity to the school. He asked that the Commission give consideration to allow the developer to complete the roads before a daycare goes in, especially in the middle of the subdivision.

Donna Kizlyk 607 Haven- She wanted to state that they are not only considering a daycare, but also another commercial use. Those commercial uses would be a great detriment to the community if they are located right next to the resident's pool and the school. She stated that she does not believe that type of development is needed there, and that the City should hold the developer to his promises and make them put it at the front of the community.

Travis Strang 2114 Nuehoff- He stated one of his concerns is the headlights shining into his windows at early hours due to the traffic. He has small children as well that are woken up by this traffic and doesn't want to increase it. He explained that one of his kids goes to harlow and one is at daycare and he has no problem with driving out of the neighborhood to pick up his kids to bring them home. Another concern is that he is upset about the façade of the children's daycare. He doesn't believe that it matches the houses in the subdivision. He stated that he made a significant investment and feels this will effect his home value. He also stated that as a parent of a child who goes to the elementary school, he is worried about the safety of the children walking and riding their bike to school. A lot of the children in the neighborhood do and despite everyone's best effort, accidents happen and he doesn't want to increase traffic and provide more opportunity for someone to hit his kids. He also stated that construction of the the daycare and of the future middle school at the same time will only make traffic worse. Having only one way in and one way out is unsafe and will only make the traffic worse, especially with construction. He believes the traffic study is outdated, since the subdivision now has apartments and a large amount of homes added since then. He is concerned that this will only make traffic conditions worse and increase the safety risks for the residents.

Commissioner Tutson read into record the mailed in submittals of residents at the time of the meeting.

Craig Sterling-1020 Sharp is opposed.

Kevin Bickham-1240 Tiana is opposed.

Amber Johnson- 612 Haven is opposed.

The property owner also submitted his response that he is in favor.

After the meeting the following responses were received by the City.

Anthony Laurienti- 1010 Sharp is opposed.

Anita Maples- 636 Brock is opposed.

Commissioner Tutson closed the public hearing at 8:20 pm

Commissioner Tutson stated that he feels uncomfortable voting on this until the agenda language is clearer on whether they can vote on the zoning or not. He expressed that he wants to table the item.

The realtor of the applicant then came up to speak and stated that this property is being marketed as commercial, and it will have to eventually be rezoned for commercial regardless. He stated that Children's Lighthouse searches for properties that are specifically close to elementary schools. He believes the daycare will help with the tax base of the City. He also noted that they have a traffic study that was approved by the City that states at peak hours the contribution will be minimal. He stated that the other commercial use next to the daycare doesn't make sense until Anna is built out more.

The engineer of the applicant, Anna Blackwell then came to speak and stated that the traffic study was done in April 2018 and approved by the city. She explained that the studies are prepared for existing conditions and for build out conditions. That this study was prepared for the buildout conditions up to 2023 taking in to account the zoning and land use maps and also the future development of Anna Ranch and the Middle School. She stated that in 2018 the study shows that there were 369 cars in the morning peak and 113 in the afternoon and after buildout in 2023 there will be 555 in the morning peak and 179 in the afternoon. She stated that a typical Children's lighthouse has 25 vehicles in the morning peak and 25 in the evening. She mentioned that the drop off times are spread out throughout the morning from 6:15 to 9:00 am. Pick-up times at the daycare will start at 3:15 pm, when the Elementary School gets out. She stated that only 6.3% of traffic in the morning and 18.1% in the afternoon, per 2018 numbers, will be from the Children's Lighthouse traffic. Once it is built out, she stated it will be 4.3% of morning traffic and 12.3% in the afternoon.

B) Consider/Discuss/Action on a recommendation regarding the Concept Plan for Children's Lighthouse Addition, Block 1, Lots 1 & 2. Applicant: Carrillo Engineering, LLC

A motion was made by Commissioner Callaham to table the item until the December meeting since the Commission did not feel the agenda allowed them to vote on the zoning, so therefore could not vote on the Concept plan. Commissioner Tutson seconded the motion to table the item and it passed unanimously.

It was then noted to citizens that the item will no longer be on the City Council meeting agenda in November, but that this item will be on the December Planning and Zoning agenda and then hopefully on the Council meeting following that on Dec 10th.

Commissioner Henke made a comment that they have seen previous items in this area that differ from the look of the subdivision that have been turned down and therefore believes the questions and concerns about the building façade are valid. He believes they should follow the same criteria and standards for the homes and not allow a large lighthouse on the top. He asked if Staff could check with the City Attorney to see if they can control the elevations of the building within the zoning request.

8. Consider action to approve minutes of the September 9, 2019 Planning and Zoning meeting.


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

9. Consider action to approve minutes of the October 7, 2019 Planning and Zoning meeting.

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

10. Adjourn

A motion was made by Commissioner Callaham, seconded by Commissioner Ussery to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:46 pm.



Alonzo Tutson
Planning and Zoning Commission Chairman

ATTEST: