

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, DECEMBER 10, 2015**

The Planning and Zoning Commission met in regular session on Thursday, December 10, 2015 at 372 Town Place, Fairview, Texas. Commissioners present were Vice Chairman Pat Friend, Scott Almy, Debbie Flood and John Cox. Staff members present were Town Manager, Julie Couch; Interim Planning Manager, Robert LaCroix; Town Engineer, James Chancellor; and Town Secretary, Elizabeth Cappon. Chairman Northcutt, Commissioner Hager and Commissioner Doi were absent.

1. Call to order

Vice Chairman Friend called the meeting to order at 7:00 p.m. and declared a quorum was present.

2. Consider and take action regarding the minutes of the November 12, 2015 Planning and Zoning Commission meetings.

Commissioner Almy made a motion to approve the November 12, 2015 minutes. Commissioner Cox seconded the motion and the motion was unanimously approved.

3. Continue a public hearing, consider, and take any necessary action on a request by Mr. Byron Reid, representing M. Christopher, Custom Home Builder, to rezone a 32.104± acre tract of land being a portion of a 44.069 acre tract of land situated in the Robert Fitzhugh Survey, Abstract No. 317 and the Samuel Sloan Survey, Abstract No. 791 in the Town of Fairview, Collin County, Texas and being Tract 1-13.692 acres, Tract 2-3.06 acres, Tract 3-10.00 acres and Tract 4-17.50 acres described by deed to Starfish Investments, LP according to the deed recorded in cc#20100629000665030 of the Real Property Records of Collin County, Texas, and being generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone. (ZA2015-14).

Mr. LaCroix gave a presentation on a continued request by Mr. Byron Reid, M. Christopher, to rezone a 32.104± acre tract of land generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone.

Mr. LaCroix stated that Phase II of Harper's Landing would have 15 lots in total, but that two of the lots were already zoned RE-2 as a part of Phase I. Mr. LaCroix added that Phase I was final platted to 13 lots, making the two developments a total of 28 lots meeting RE-2 standards.

Mr. LaCroix stated that previously the main concern had been the mitigation of floodplain with applicant turning in a reclamation permit. Mr. LaCroix stated that staff initiated a comprehensive flood study of the area to see if the flood plain line had moved due to the amount of development in the surrounding areas over the past ten years.

Mr. LaCroix stated that if the rezoning is approved the applicant would reconsider their access point. He stated the applicant would make the current phase I access point of Farmstead emergency access only and would make FM-1378 their main access point for the entire subdivision.

Mr. Chancellor reviewed for the Council an update he received on the flood study to be completed by Huitt-Zollars. Mr. Chancellor stated that FEMA uses cross sections for nationwide studies rather than reviewing smaller areas in depth, making it less accurate on a local scale. Mr. Chancellor stated that the Town's flood study reviewed more cross sections and that in most of the six critical cross sections within this development the flood line had dropped by over a foot. Mr. Chancellor stated that the channel the developer plans to add would help even more. Mr. Chancellor stated that due to the lot layout, some flood plain reclamation was still necessary. He added that the flood study did not result in any red flags against the reclamation and that he believed the new development was a good case for flood plain reclamation.

Mr. Chancellor stated that he also had the study review to see if a larger channel could help remove the existing homes on Camino Real from the flood plain. Mr. Chancellor stated that while this is not this developer's concern, the Town Council had requested that it be reviewed. Mr. Chancellor stated that the study found that it was not possible to build a channel large enough to get the residents of Camino Real out of the flood plain. Mr. Chancellor stated that the developer would use fill on the new homes to elevate them out of the flood plain, which would result in a revision to the FEMA flood map.

Mr. LaCroix stated that due to the results of the flood study, the development does meet the land use plan and that staff recommends approval of the requested zoning.

The Commission reviewed and discussed the changes to the flood plain with Staff.

Vice Chairman Friend reopened the public hearing from the previous meeting.

The applicant, Bryon Reid, President of M Christopher Custom Homes, stated his support for the project. Mr. Reid stated that the Commission previously requested that the plan change to include only RE-2 lots where each had land out of the flood plain. Mr. Reid stated that in this plan every lot was RE-2 and that each lot would have least one acre out of the flood plain.

Vice Chairman Friend closed the public hearing.

Vice Chairman Friend asked for additional comments from the Commission. Commissioner Almy and Commissioner Flood had no comments.

Commissioner Cox stated that he was not comfortable with the amount of floodplain reclamation.

Commissioner Almy made a motion to approve a request made by Mr. Byron Reid, representing M. Christopher, Custom Home Builder, to rezone a 32.104± acre tract of land being a portion of a 44.069 acre tract of land situated in the Robert Fitzhugh Survey, Abstract No. 317 and the Samuel Sloan Survey, Abstract No. 791 in the Town of Fairview, Collin County, Texas and being Tract 1-13.692 acres, Tract 2-3.06 acres, Tract 3-10.00 acres and Tract 4-17.50 acres described by deed to Starfish Investments, LP according to the deed recorded in cc#20100629000665030 of the Real Property Records of Collin County, Texas, and being generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone. Commissioner Flood seconded the motion. The motion received a 2-2 vote with Commissioners Friend and Cox opposed, the motion goes to the Town Council with no recommendation.

4. **Consider, discuss and take any necessary action on a request by Larry C. and Jennifer L. Tooker for approval of a Final Plat for the Tooker Addition, a proposed residential subdivision comprised of 2 single-family residential lots on a 9.277± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, Town of Fairview, Collin County, Texas, and that is generally located at the east side of Meandering Way north of Rushing Water Ct. The subject property is zoned RE-2, Residential Estate District. (FP2015-07).**

Mr. LaCroix gave a presentation on a request by Larry and Jennifer Tooker for approval of a Final Plat for the Tooker Addition, a proposed residential subdivision comprised of 2 single-family residential lots on a 9.277± acre tract of land generally located at the east side of Meandering Way north of Rushing Water Ct.

Mr. LaCroix stated the applicant wishes to subdivide their current property into two properties meeting RE-2 zoning. Mr. LaCroix stated that the Final Plat meets the town's zoning and subdivision requirements.

Mr. LaCroix stated that the property already had on-site sewer with a tie-in location for water and that the only issue would be the creation of another access point off Meandering Way. Mr. LaCroix stated that there would be a cash in lieu of parkland dedication to be fulfilled before a permit would be issued. Mr. LaCroix stated that the applicant would dedicate a 40-foot roadway access easement shown on the Plat. Mr. LaCroix stated that staff recommends approval of the Final Plat.

Vice Chairman Friend asked for questions from commissioners for staff or for the applicant.

The applicant, Jennifer Tooker, 510 North Meandering Way, asked for clarification on the easement. Mr. LaCroix stated it was a 40-foot utility, drainage and road access easement, rather than a right-of-way easement.

Commissioner Cox made a motion to approve a request by Larry C. and Jennifer L. Tooker for approval of a Final Plat for the Tooker Addition, a proposed residential subdivision comprised of 2 single-family residential lots on a 9.277± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, Town of Fairview, Collin County, Texas, and that is generally located at the east side of Meandering Way north of Rushing Water Ct. The subject property is zoned RE-2, Residential Estate District. Commissioner Almy seconded and the motion was unanimously approved.

5. **Consider, discuss and take any necessary action on a request by Kha Nguyen for approval of a Final Plat for the Nguyen Addition, a proposed residential subdivision comprised of 2 single-family residential lots on a 2.765 acre tract of land in the George Fitzhugh Survey, Abstract No. 320, Town of Fairview, Collin County, Texas, and generally located at 940 Old Stacy Road with frontage on FM 2786 (Stacy Road). The subject property is zoned RE-1, Residential Estate District. (FP2015-08)**

Mr. LaCroix gave a presentation on a request by Kha Nguyen for approval of a Final Plat for the Nguyen Addition, a proposed residential subdivision comprised of two single-family residential lots on a 2.765 acre tract of land generally located at 940 Old Stacy Road with frontage on FM 2786 (Stacy Road).

Mr. LaCroix stated the owner wishes to subdivide their RE-1 zoned lot into two RE-1 lots. Mr. LaCroix added the Final Plat meets the town's zoning requirements.

Mr. LaCroix stated that currently the lot features access off both Stacy Road and Old Stacy Road but that access to Stacy Road would soon be lost due to the addition of a retaining wall on Stacy Road. Mr. LaCroix added that access to both of the new lots would be off Old Stacy Road, but that the new house will likely face Stacy Road as the existing house faces Old Stacy Road.

Mr. LaCroix stated the Final Plat meets the town's zoning and access requirements. Mr. LaCroix stated there were existing utilities and no need for an additional right-of-way dedication. Mr. LaCroix stated that staff recommends approval of the Final Plat.

Vice Chairman Friend asked Mr. LaCroix about emergency access. Mr. LaCroix stated that the Fire Chief had no issue with the driveway access and that, if needed, the Fire Department could fight a fire from Stacy Road with a firehose. Mr. LaCroix stated that there are similar flag-style lots in Town. Mr. Chancellor stated that he would confirm with the Fire Chief what type of material was necessary on the access road and inform the applicant.

Vice Chairman Friend asked if there was a requirement for the applicant to be present. Town Manager Couch stated there was not in this case.

Commissioner Almy asked that the Commission add a condition that the approval be contingent on the Fire Chief's review of the Final Plat in regards to fire access.

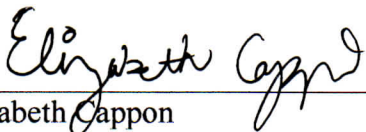
Commissioner Cox asked Mr. LaCroix for the closest fire hydrant location. Mr. LaCroix stated he did not know the location but that the Fire Chief had reviewed the plan. Mr. Chancellor stated that the Town would require a new one be built if the existing one is not close enough.

Commissioner Almy made a motion to approve a request by Kha Nguyen for approval of a Final Plat for the Nguyen Addition, a proposed residential subdivision comprised of 2 single-family residential lots on a 2.765 acre tract of land in the George Fitzhugh Survey, Abstract No. 320, Town of Fairview, Collin County, Texas, and generally located at 940 Old Stacy Road with frontage on FM 2786 (Stacy Road). The subject property is zoned RE-1, Residential Estate District. The motion was contingent upon review by the Fire Chief as to the adequacy of ingress and egress into the property by the Fire Department. Commissioner Cox seconded and the motion was unanimously approved.


6. Adjourn.

Vice Chairman Friend adjourned the commission from the meeting at 7:37 p.m.

Respectfully submitted,



Elizabeth Cappon
Town Secretary



Pat Friend, Vice Chairman
Planning and Zoning Commission