

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MARCH 10, 2016**

The Planning and Zoning Commission met in regular session on Thursday, March 10, 2016 at 372 Town Place, Fairview, Texas. Commissioners present were Chairman Brad Northcutt, Vice Chairman Pat Friend, Ricardo Doi and Debbie Flood. Commissioners Scott Almy, John Cox and Heather Hager were absent. Staff members present were Town Manager, Julie Couch; Planning Manager, Israel Roberts; Interim Planning Manager, Robert LaCroix and Town Secretary, Elizabeth Cappon.

1. Call to order

Chairman Northcutt 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 February 11, 2016, Planning and Zoning Commission meeting.

Commissioner Doi made a motion to approve the February 11, 2016 minutes. Commissioner Flood seconded the motion and the motion was unanimously approved.

Mr. LaCroix stated the applicant for the agenda item for Tallent Roofing was not present yet. Chairman Northcutt asked if the Commission was amendable to taking the subsequent agendas items ahead of this item and the Commission agreed.

3. Conduct a public hearing, consider, and take any necessary action on a request by the applicant, Tim Jackson with Tim Jackson Custom Homes, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 706 Bending Oak Trail, being Lot 17, Block A, Tranquility Farms, Town of Fairview, Collin County Texas. (ZA2016-04).

Mr. LaCroix gave a presentation on a request by Tim Jackson Custom Homes for approval of a CUP to allow for the construction of an accessory building on a property zoned RE-1 located at 706 Bending Oak Trail. Mr. LaCroix stated the applicant was building a pool cabana house. Mr. LaCroix stated the building is 1189 square feet and 16 feet in height but otherwise conforms to the accessory building requirements.

Mr. LaCroix stated that of the 17 notices mailed to those living within the 500-foot boundary there was one statement of support and one statement of opposition. Mr. LaCroix stated that the one statement of opposition was within the 500-foot boundary but does not share a property line with the applicable property. Mr. LaCroix stated that staff recommends approval of the CUP.

Chairman Northcutt opened the public hearing.

The applicant, Tim Jackson of Tim Jackson Custom Homes, 706 Bending Oak Trail, requested approval of the CUP. He stated that though the property is zoned RE-1 it is actually on a 2.5 acre lot and is 16 percent impervious surface coverage, which is well below the Town requirements.

Chairman Northcutt closed the public hearing.

Commissioner Doi asked Mr. LaCroix if the building meets the setback requirements. Mr. LaCroix stated that the building meets them and all the other requirements.

Vice Chairman Friend made a motion to approve a request by the applicant, Tim Jackson with Tim Jackson Custom Homes, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 706 Bending Oak Trail, being Lot 17, Block A, Tranquility Farms, Town of Fairview, Collin County Texas with the restrictions of the building use, location and design being consistent with the submitted site, façade, floor and character plans. Commissioner Flood seconded the motion and the motion was unanimously approved

4. Discuss the proposed development plan for The Shops on the Green, a proposed community of shops and offices located at 460 S. State Highway 5 and within the CPDD (Commercial Planned Development District). (DP2016-01).

Chairman Northcutt explained that the Commission might recall that the Town adopted a form-based code last year that allows developers to meet a stringent code and gain approval from the Town's Urban Planning Officer and Town Manager, rather than have public hearings at the Planning and Zoning Commission and the Town Council to approve development. Mr. Northcutt stated that this was the Town's first development to meet all those code requirements and that this was not a public hearing or an item up for approval, but that the Town Manager was just updating the Commission on an approved project in the CPDD.

Town Manager Couch introduced a development plan for The Shops on the Green, a proposed community of shops and offices located at 460 S. State Highway 5 within the CPDD. Ms. Couch stated that this project had been in development for some time under the preceding Planning Manager as well as the current Interim Planning Manager and would now be moving forward under the Town's new Planning Manager. Ms. Couch introduced the Town's new Planning Manager, Israel Roberts, to the Commission.

Mr. LaCroix gave a presentation on The Shops on the Green. Mr. LaCroix stated that the development would be mainly office with some local service retail, or possibly a sit-down restaurant. Mr. LaCroix stated that they could elect to include some live/work residential but have not at this time. Mr. LaCroix described the minor warrants, setbacks, trails, a parking garage, building façades, tree preservation, landscape plan and possible road/trail/sidewalk connections reflecting the opposing driving way on Highway 5.

The architect, Charles Reibenstein of RAA, LLC, 2655 Peavy Road, Dallas, gave a presentation on the proposed development plan for The Shops on the Green.

Commissioner Doi asked Mr. Reibenstein if the focal point of the tower would be built with the first phase. Mr. Reibenstein stated that it would be.

Commissioner Doi asked Mr. Reibenstein what would happen to the trail if TxDOT ever decided to widen SH5 to a four-lane highway. Mr. Reibenstein stated that it would likely have to be redesigned and scaled back.

Ms. Couch stated the Town's plan for Highway 5 in the CPDD to be a two-lane divided highway with a turn lane up to FM1378. She added the state's current plan is for it to be a six-lane highway. Ms. Couch said the County recently revised its plan for the highway reducing it from a six-lane highway to a four-lane highway. Ms. Couch stated the Town hopes the state will revise their plan as well.

Commissioner Doi asked about the Highway 5 cross access. Ms. Couch stated that the state would likely not approve the secondary access unless it had cross access. Ms. Couch stated the access was being designed wide enough to accommodate cross access without building the cross access now.

Chairman Northcutt asked Mr. Reibenstein if there would be monument signs. Mr. Reibenstein stated there would be signage but they have not been approved yet. Mr. Reibenstein stated that the development would likely be office space that is less likely to need signage but they will not know for sure until they move further along with development and leasing. Mr. Reibenstein stated the small boutique shops along the street will likely have signage on the building but it would be muted signage, similar to The Village, and restricted by both the Town and the architect.

Commissioner Doi asked about the building access on the sides of the buildings that do not face the parking lot. Mr. Reibenstein stated there would be an interior corridor in Building A, which would allow access. Mr. Reibenstein added there would be parking garage access as well.

Commissioner Flood asked when the project would be completed. Mr. Reibenstein stated that the project would probably begin building in late 2016, as they need another 5 or 6 months for civil engineering and permitting.

Commissioner Doi asked if Fairview Lane was a right of way platted street. Mr. LaCroix stated that it was not.

Leland Payne, 398 Parkvillage Ave, asked to speak with the Commission. Chairman Northcutt reiterated that it was not a public hearing and that this presentation was purely for informational purposes. Mr. Payne stated asked if there were any setbacks on Building A, as it appeared to be right on the property line. Mr. La Croix stated there is a five-foot build to line for pedestrian access. Mr. Payne asked about access and how the building facing the street would look. Staff and Mr. Reibenstein reviewed the design with him.

Chairman Northcutt stated the Commission did not need to action on the item as it was approved by the Town Manager as it conforms to the form-based code without any major warrants.

5. **Conduct a public hearing, consider, and take any necessary action on a request by the applicant, Marty Laferty with Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 3410 Orr Rd, being a 8.550 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, Sheet 2, Tract 140, Town of Fairview, Collin County Texas. (ZA2016-03).**

Vice Chairman Friend stated he did not want to take action on the item without the applicant present. Commissioner Doi stated he felt the Commission had taken action on items before without the applicant present.

Chairman Northcutt opened the public hearing. Vice Chairman Friend made a motion to continue a request by the applicant, Marty Laferty with Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 3410 Orr Rd, being a 8.550 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, Sheet 2, Tract 140, Town of Fairview, Collin County Texas. The motion did not receive a second and the motion died.

Mr. LaCroix gave a presentation on a request by Marty Laferty with Tallent Roofing, for approval of a CUP on a property that is zoned RE-2 in order to allow for the construction of an accessory building at 3410 Orr Rd.

Mr. LaCroix stated that the storage workshop would be 3480 square feet, which exceeds the maximum by 1680 square feet. Mr. LaCroix stated there is an existing barn that would be torn down for the new structure to be built. Mr. LaCroix stated that it is a heavily treed rural area and the building is in character with what is built in that area.

Mr. LaCroix stated that of the four notices mailed to those living within the 500-foot boundary there were no statements of opposition and no statements of support. Mr. LaCroix stated that staff recommends approval of the CUP.

Mr. LaCroix stated that he had contacted the owner in an attempt to reach the applicant, the contractor, regarding meeting attendance.

There were no speakers in the public hearing. Chairman Northcutt closed the public hearing.

Commissioner Doi asked Mr. LaCroix about if the gravel area outside the workshop previously existed. Mr. LaCroix stated that he believed it would be added after the fact but that they do not have a paved driveway anyway.

Commissioner Doi asked if any trees would be removed. Mr. LaCroix stated there did not appear to be any from the aerial views.

Vice Chairman Friend stated that the Town's accessory building ordinance should be revised due to these routine cases. Chairman Northcutt stated he felt the guidelines allowed someone to build a medium building but not a large building without a public hearing. Vice Chairman Friend stated he felt the use of the guidelines was arbitrary and not consistent. Vice Chairman Friend also stated his opposition to taking action on an item where the applicant isn't present.

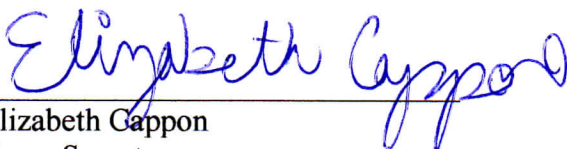
Commissioner Doi asked Ms. Couch if the Planning and Zoning Commission could create a policy regarding such items. Ms. Couch stated they could add creating a policy to the agenda of the next meeting. Ms. Couch added that the zoning ordinance was adopted in 1998 and had only been amended since. Ms. Couch stated it would be a goal for Mr. Roberts to review the ordinance with the Commission.

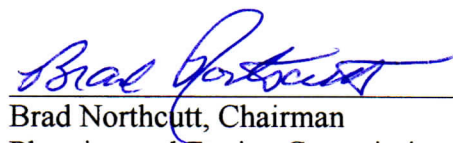
Commissioner Doi made a motion to approve a request by the applicant, Marty Laferty with Tallent Roofing, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 3410 Orr Rd, being a 8.550 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, Sheet 2, Tract 140, Town of Fairview, Collin County Texas. Commissioner Flood seconded the motion and the motion was approved by a vote of 3 to 1.

6. **Adjourn.**

Chairman Northcutt adjourned the commission from the meeting at 7:59 p.m.

Respectfully submitted,


Elizabeth Cappon
Town Secretary


Brad Northcutt, Chairman
Planning and Zoning Commission