

**TOWN COUNCIL  
MEETING MINUTES  
MAY 1, 2018**

The Town Council met in regular session on Tuesday, May 1, 2018 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Mayor Pro Tem John Adler; and Councilmembers Bill Nicol, Henry Lessner, Pam Little, Paul Hendricks and Renee Powell. Staff present included Town Manager, Julie Couch; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Police Chief, Granver Toliver; CFO, Steven Ventura; Assistant to the Town Manager, Adam Wilbourn; Executive Assistant, Tenitrus Bethel; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:00 p.m. and declared a quorum was present. At 6:01 p.m., the council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:30 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

**APPOINTMENTS AND REPORTS:** Mayor Culbertson introduced Lovejoy High School Independent Studies students PK Kotra and Marcus Tsai.

Lovejoy High School Independent Studies student, PK Kotra, gave a presentation on his research project "The Applications of Nanotechnology".

Lovejoy High School Independent Studies student, Marcus Tsai, gave a presentation on his research project "Writing Short Stories".

**PROCLAMATIONS, RECOGNITION AND AWARDS:** Mayor Culbertson presented a proclamation to the Blacksheep Motorcycle Club declaring the month of May as Motorcycle Safety and Awareness month in the Town of Fairview.

**CONSENT AGENDA:** All items listed under the Consent Agenda are considered routine and are acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and be considered separately. A) Approve the minutes of the March 19, 2018, special joint Planning and Zoning Commission meeting. B) Approve the minutes of the March 26, 2018, special joint Parks and Recreation Advisory Board meeting. C) Approve the minutes of the April 3, 2018, regular council meeting. D) Approve the minutes of the April 26, 2018, special Council meeting. E) Approve a resolution to deny an Oncor distribution cost increase. F) Approve a resolution authorizing continued participation with the Oncor Cities Steering Committee and payment of assessed dues for 2018.

Councilmember Powell made a motion to approve the consent agenda. Councilmember Little seconded the motion and the motion was unanimously approved.

**PUBLIC HEARING – CUP – 761 N. CREEKWOOD:** Mr. Roberts gave a presentation on agenda item 6(a), consider and take action on a request for approval of a conditional use permit

(CUP) for a sports court (tennis). The 1.18-acre site is located at 761 N. Creekwood Drive and is zoned for the (RE-1) One-Acre Ranch Estate District.

Mr. Roberts stated the tennis court would replace an existing lighted sand volleyball court. He stated the court would be screened on the southwestern side by climbing star jasmine. He stated Staff is recommending a hedge row of 6 foot tall Nelly R. Steven holly shrubs along the southeastern side as well as additional light shielding to prevent the light from traveling further east or southwest.

Mr. Roberts stated he received 1 letter of support within the notification area. He stated Planning and Zoning recommended approval subject to the outlined conditions at their April meeting.

Mayor Pro Tem Adler inquired if the existing lighting on the sand volleyball court would remain. Mr. Roberts stated it would be replaced.

The applicant, Nancy Lacey, 761 N. Creekwood Dr, was present.

Mayor Culbertson opened the public hearing.

Mayor Culbertson closed the public hearing.

Councilmember Nicol made a motion to approve a conditional use permit as submitted with staff recommendations (CUP) for a sports court (tennis court) located at 761 N. Creekwood Drive. Councilmember Lessner seconded the motion and the motion was unanimously approved.

**PUBLIC HEARING – CUP – 1660 DUNAWAY:** Mr. Roberts gave a presentation on agenda item 6(b), consider and take action on a request for approval of a conditional use permit (CUP) for a two-story, 1,600+/- square foot, accessory structure (detached garage). The 1.67-acre site is located at 1660 Dunaway Crossing and is zoned for the (RE-1) One-Acre Ranch Estate District.

Mr. Roberts stated the property owner is requesting to construct a detached 2-story garage with the second floor being used as a game room. He stated the structure is approximately 750 sq. ft. larger than what is allowed in the RE-1 district however it meets all other design standards. He indicated the materials used would be the same as the existing home.

Mr. Roberts stated 1 letter of support was received and Planning and Zoning recommended approval subject to the conditions at the April meeting.

The applicant representative, Tim Gilbert, Pierce Remodeling Group, was present. Mr. Gilbert reviewed their request.

Mayor Culbertson opened the public hearing.

Mayor Culbertson closed the public hearing.

Mayor Pro Tem Adler made a motion to approve a conditional use permit as submitted (CUP) for an accessory structure located at 1660 Dunaway. Councilmember Little seconded the motion and the motion was unanimously approved.

**PUBLIC HEARING – CUP – 1001 PECAN DRIVE:** Mr. Roberts gave a presentation on agenda item 6(c), consider and take action on a request for approval of a conditional use permit (CUP) for a sports court (basketball court). The 1.11-acre site is located at 1001 Pecan Drive and is zoned for the (RE-1) One-Acre Ranch Estate District.

Mr. Roberts stated the existing pad was poured for use as a basketball court. He stated the Town inspector discovered the pour taking place, stopped the continuation and advised them of the CUP process. He also stated at this point there is no lighting installed. He indicated the owner is requesting to add Nelly R Steven holly along the eastern and southern edge as well as a ball containment netting. He stated this request meets all requirements except for the setbacks as it is 12 feet from the property line.

Mr. Roberts stated he has received several letters of approval and 1 letter of opposition. He stated Planning and Zoning recommended approval subject to the conditions at the April meeting.

Councilmember Hendricks inquired how these types of projects get start without approval. Mr. Roberts indicated that flat work does not require a permit. There was discussion regarding the permitting and review process.

The applicant, Jonathan Knickerbocker, 1001 Pecan Dr, was present.

Mayor Culbertson opened the public hearing.

John Harkins, 411 Oak Ridge Dr, inquired about the concerns in the letter of opposition. Mr. Roberts stated the letter was in opposition due to the noise.

Bruce Kelly, 800 Country Club, inquired about approval of projects which do not meet Town ordinances. Mayor Culbertson outlined the CUP application and hearing process.

Mayor Culbertson closed the hearing.

Mayor Pro Tem Adler stated his opposition due to the construction beginning prior to approval and the adjacent neighbor in lot 19, whom would be most affected, not having a voice in the matter.

Mayor Culbertson re-opened the public hearing and invited the applicant to speak.

The applicant, Jonathan Knickerbocker, 1001 Pecan Dr., stated his contractor was not aware of the sport court ordinance. He also stated his neighbor in lot 19, Lori & Andrew Mattern, submitted a letter of support.

Mr. Roberts indicated the letter of support for that lot was in the packet.

Cynthia Brugge, 960 Patrician Court, expressed her concerns regarding the possible noise.

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to approve a conditional use permit (CUP) for a sports court (basketball) located at 1001 Pecan. Councilmember Little seconded the motion and the motion was unanimously approved.

**PUBLIC HEARING – MW – FAIRVIEW TOWN CENTER:** Mr. Roberts gave a presentation on agenda item 6(d), consider and take action on a request for approval of Major Warrants for the development of a new retail building within the Fairview Town Center. The site is located at 101 Whistlestop Way and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district.

Mr. Roberts stated the building will be a 1-story, approximately 20,000 sq. ft. multi-tenant retail building. He stated due to the mall area being constructed under a different version of the CPDD code the existing infrastructure and buildings do not conform to the current CPDD standards. He stated the applicant is requesting major warrants for site block and building design standards as well as a major warrant for the amount of glazing on the north and east elevations. He indicated the northern elevation has several utilities and is more of a working/pedestrian area which would require less glass; however, the eastern elevation request is for 85% glass which is 5% more than the maximum code range.

Councilmember Little inquired if Whole Foods approved of the shared wall. Mr. Roberts deferred the question to the applicant, Mr. Smith.

Mayor Culbertson opened the public hearing.

The applicant, Tim Smith, LPC, responded to Councilmember Little stating they have received preapproval from Whole Foods for the joint wall. He also spoke about the landscaping plan.

Councilmember Powell inquired why a new building was being built when there are currently vacant retail spaces in the Town Center. Mr. Smith stated this construction is considered shallow depth retail, unlike the retail spaces currently in the Town Center. He stated the shallow depth retail spaces are not currently available in the Center and this would add that type of space.

Mayor Culbertson asked Mr. Smith for an example of the types of tenants that will occupy this space. Mr. Smith stated to date they have received letters of intent for 70% of the space. He stated at the south end there would be a men's fine retailer as well as a spa/massage tenant.

Barbara Isaac, 811 Beechwood Ln, expressed her concerns about the increased traffic flow. Mr. Smith stated the current plan calls for the construction of a right-in/right-out through the median in front of Whole Foods to help alleviate some of the congestion. He stated there is also a large parking lot to the east of the building.

Bruce Kelly, 800 Country Club, inquired about the square footage and number of individual tenants. Mr. Roberts stated it would be likely over 20,000 sq. ft. and have 8 – 10 tenants.

Paula Herrington, 742 Barton Springs, expressed that, as a small business owner, there is a need for smaller spaces.

Mayor Culbertson closed the public hearing.

Councilmember Lessner stated when they spoke with tenants, 5-6 years ago, many expressed the amount of space they could lease was far too much. He expressed shared agreement with Ms. Herrington.

Councilmember Nicol made a motion to approve major warrants for the development of a new retail building within Fairview Town Center located at 101 Whistlestop Way. Councilmember Lessner seconded the motion and the motion was unanimously approved.

**PUBLIC HEARING – TOWN INITIATED ZONING:** Mr. Roberts gave a presentation on agenda item 6(e), consider and take necessary action on Town initiated request to establish zoning on properties within Town Limits that are annexed, but un-zoned. The subject properties are generally located at: a 1.058-acre parcel of land located in abstract A791, Samuel Sloan Survey, Sheet 1, Tract 17; a 0.811-acre parcel of land located in abstract A791, Samuel Sloan Survey, Sheet 2, Tract 100; a 4.69-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 223; a 37.46-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 133; a 1.0-acre parcel of land, located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 134; and a 16.0-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 1, Tract 8.

**Campbell Property (4.69-acre parcel; 37.46-acre parcel; 1.0-acre parcel)**

Mr. Roberts stated this property is 3 individual parcels with the same owner. He stated at the March 10 joint PZ and Council meeting the recommendation was to zone the parcels at RE-2; however, at the April 12 PZ meeting with further discussion, and public comments, the commission recommended it be zoned as agricultural district. He indicated he received 3 letters of opposition, including one from the owner, however those were specifically in opposition to the RE-2 zoning.

Mr. Roberts stated there are no development plans for any of the zoning requests.

Councilmember Powell stated she believed agricultural zoning was more in alignment with the desire of the family.

Mayor Pro Tem Adler inquired if agricultural is more restrictive than RE-2 and if the agricultural zoning was in the wishes of the property owner. Mr. Roberts stated agricultural is more restrictive and the comments received from the property owner was specifically opposing the recommendation of RE-2.

Mayor Culbertson opened the public hearing.

Diana Musset, 1761 Stacy Rd, stated she met with the landowner and that she was pleased with the agricultural zoning.

Kevin Higgins, 3980 Summit Court, inquired if in the future could it be rezoned for RE-1, RE-2 or RE-3. Ms. Couch stated we cannot prevent an applicant from submitting an application of rezoning; however, if that were to occur it would go through the same process of notification and holding a public hearing so that citizens would have an opportunity to address the Planning and Zoning Commission as well as Town Council.

Bruce Kelly, 800 Country Club, inquired what the term “ag” means. Mr. Roberts stated the agricultural district allows for farming, raising of animals, barns or a single family residence. Mr. Kelly inquired if that means one house per lot. Mr. Roberts stated one house and there could also be a caretaker quarters.

Victoria Higgins, 3980 Summit Court, expressed her support of the zoning to agricultural.

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to approve Town initiated zoning for the subject properties generally located at: a 4.69-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 223; a 37.46-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 133; a 1.0-acre parcel of land, located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 134; also known as the Campbell property, with a zoning classification of (AG) Agricultural District. Councilmember Little seconded the motion and the motion was unanimously approved.

#### **1.058-acre parcel**

Mr. Roberts stated at the March 10 joint PZ and Council meeting the recommendation was to zone the parcel at RE-1 and the recommendation was upheld at the April 12 PZ. He indicated that he has received 1 letter of support.

Councilmember Powell expressed that while her desire would be to zone as RE-3 the property just over an acre in size.

Mayor Culbertson requested clarification from Ms. Couch and Mr. McCoy on the matter of zoning the parcel at RE-3.

Mr. McCoy stated it would make the property unusable.

Mayor Culbertson opened the public hearing.

Cynthia Brugge, 960 Patrician Ct, inquired what it means if it were to be zoned RE-1. Mr. Roberts stated it is currently its own parcel with a residential structure. Ms. Brugge inquired if it could be sold and what are the rules of gaining access to the property. Mr. Roberts stated there is currently an access easement that crosses through the adjacent property.

Bruce Kelly, 800 Country Club, stated there is a current easement through his property line however he is no longer the owner of the parcel and the current easement is no longer valid.

Roland Feldman, 120 Arroyo Blacno, inquired about other zoning options for this parcel. Mr. Roberts stated no other zoning for this parcel would makes sense due to the size.

Barbara Isaacs, 811 Beechwood Ln, inquired how it was determined to be unzoned. Mayor Culbertson reviewed town processes for reviewing zoning in town.

Bruce Kelly, 800 Country Club, communicated the zoning history of his property as well as adjacent parcels.

Mayor Culbertson closed the public hearing.

Mayor Pro Tem Adler made a motion to approve Town initiated zoning for the subject property generally located at : a 1.058-acre parcel of land located in abstract A791, Samuel Sloan Survey, Sheet 1, Tract 17, with a zoning classification of (RE-1) One-Acre Ranch Estate District. Councilmember Powell seconded the motion and the motion was unanimously approved.

#### **0.811-acre tract**

Mr. Roberts stated at the March 10 joint PZ and Council meeting the recommendation was to zone the parcel as (PC) Planned Center District and at the April PZ meeting the recommendation was to zone as (PC) Planned Center District with an RE-1 base with modified design standards for smaller setbacks. He indicated he received 1 letter of support outside of the notification boundary.

Mayor Pro Tem Adler inquired if the setbacks are consistent with the flood plain. Mr. Roberts stated the setbacks provided are in relation to the parcel and not the flood plain.

Councilmember Lessner inquired if there was a residence on the property. Mr. Roberts stated there is a residence as well as an accessory structure.

Mayor Culbertson opened the public hearing.

Barbara Isaacs, 811 Beechwood, inquired if the owner has been notified and their position on the re-zoning. Mr. Roberts stated the owner has been notified and is in support of the zoning.

Cynthia Brugge, 960 Patrician Ct, expressed her concern with increased density.

Bruce Kelly, 800 Country Club, expressed his concern with the lack of landowner input with regards to land use.

Cynthia Brugge, 960 Patrician, further expressed her concern with density.

Mayor Culbertson closed the public hearing.

Councilmember Hendricks made a motion to approve Town initiated zoning for the subject property generally located at: a 0.811-acre parcel of land located in abstract A791, Samuel Sloan Survey, Sheet 2, Tract 100, with a zoning classification of (PC) Planned Center District. Councilmember Little seconded the motion and the motion was unanimously approved.

#### **16.0-acre tract**

Mr. Roberts stated at the March 10 joint PZ and Council meeting the recommendation was to zone the parcel as Agricultural District. He stated he received 1 letter of opposition. He has spoken with several residents who indicated concerns with the zoning however their concerns were alleviated once they had an understanding of the agricultural zoning.

Mayor Culbertson requested for Mr. Roberts to share why agricultural is the considered zoning. Mr. Roberts stated due to the majority of this parcel being located in a flood plain the only other zoning classification would be the Open Space Flood Hazard District which does not allow for the construction of a home. He indicated there is a residential structure located outside of the flood plain and agricultural zoning would allow the owners to reconstruct their home in the event of a catastrophic event.

Mayor Culbertson opened the public hearing.

Sietske Holt, 4085 Summit Ct, inquired if this was the Willis' property. Mr. Roberts stated it was not; this property is held in a trust.

Mayor Culbertson closed the public hearing.

Mayor Pro Tem Adler made a motion to approve Town initiated zoning for the subject property generally located at : a 16.0-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 1, Tract 8, with a zoning classification of (AG) Agricultural District. Councilmember Lessner seconded the motion and the motion was unanimously approved.

**US 380 TXDOT PLAN:** Mr. Chancellor discussed agenda item 7(a), US 380 TXDoT plan.

Mr. Chancellor stated currently US 380 does not meet the future needs of Collin County therefore TXDOT is conducting a feasibility study for various routes. He stated Thursday night was the first of 3 public meetings being held by TXDOT. He stated the options are to do nothing, grade separation at key intersections or construct a freeway for all or certain sections of the highway. He indicated one route option, the red route, would come close to Fairview at the east side of the airport on the McKinney side of Wilson Creek. He also indicated the route would overlap an 82.2-acre parcel of Town owned land.

Mayor Culbertson expressed his concerns of the ambient noise that would occur due to the elevated roadway over a flood plain and with the route being sandwiched between Wilson Creek and the airport gives a greater possibility for TXDoT to extend the project further south additionally impacting Fairview residents.

An attending resident inquired about the timeline of this project. Mr. Chancellor stated this project is still several years away as it is still in the planning stages and will require right-of-way acquisitions as well as environmental clearance before it can move forward.

Mayor Culbertson and Council agreed on the Town's position and to draft a letter of opposition to the red route.

Ms. Couch suggested Council vote on the action to be taken.

Councilmember Hendricks made a motion to approve Town Staff to draft a letter to the Texas Department of Transportation outlining the Town's thoughts on the potential options of US 380 and the route that is currently shown as the red route not be considered for future planning purposes of US 380. Councilmember Little seconded the motion and the motion was unanimously approved.



**PLANNING FOR FUTURE TOWN FACILITIES:** Ms. Couch discussed agenda item 7(b), planning for future town facilities, including the citizen committee process. She reviewed the results of the last joint meeting of the CRG with the Town Council and the process for the upcoming CRG meeting. She stated in the last meeting members suggested submitting questions and the submission deadline was set as May 1. She indicated that a compilation of the questions and answers will be sent to the committee by May 8. She also stated the at their last meeting the committee identified high priorities and the fire station was at the top of the list. She indicated the next meeting will be May 10 and the fire station would be the primary focus.

Mayor Culbertson expressed his gratitude to the CRG for their feedback and the progress of the committee.

**MCKINNEY AIRPORT UPDATE:** Councilmember Hendricks gave a presentation regarding agenda item 7(c), update of the McKinney Airport Master Plan and Layout Plan.

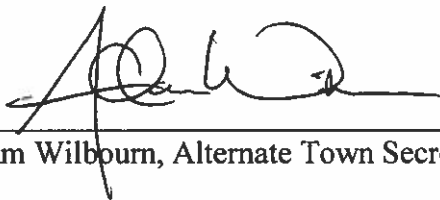
**REPORTS FROM STAFF:**

Mr. Chancellor discussed agenda item 9(c), regarding an update on Stacy Rd.

Mr. Ventura gave a presentation on agenda items 9(a) and (b), regarding the Monthly and Quarterly Financials ending March 31, 2018.

Ms. Couch indicated the Volunteer Banquet will be held next Tuesday, May 8 at Heritage Ranch.

Mayor Culbertson adjourned the meeting at 10:30 p.m.



Adam Wilbourn, Alternate Town Secretary

  
Darion Culbertson, Mayor

