

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JULY 9, 2015**

The Planning and Zoning Commission met in regular session on Thursday, July 9, 2015 at 372 Town Place, Fairview, Texas. Commission members present were Chairman Brad Northcutt, Vice Chairman Pat Friend, Ricardo Doi, Debbie Flood, Leslie Knight and Heather Hager. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Engineer in Training, Danielle Gregory; and Town Manager, Julie Couch. Commissioner VanNatta was absent.

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

1. Consider and take action regarding the minutes of the June 11, 2015 Planning and Zoning Commission meetings.

Commissioner Friend made a motion to approve the June 11, 2015 minutes. Commissioner Flood seconded the motion. The motion was unanimously approved.

Commissioner Doi pointed out Commissioner Flood's name was misspelled on pages 2 and 5.

2. Conduct a public hearing, consider, and take any necessary action on a request by Chamberlain Place, LP for approval of a Final Plat of Chamberlain Place Phase 1 and a Replat of Lot 2 and Lot 3, Jackson Estates and Lot 1, Block A, Ward Addition, in order to provide for a new residential neighborhood comprised of 45 single-family residential lots and 4 common area lots. The subject properties are generally located west of Stoddard Road and north of Sloan Creek. (FP2015-03).

Mr. Schmidt stated the applicant, Chamberlain Place, LP, is applying for Final Plat approval in order to establish the first phase of a two phase residential neighborhood comprised of 58 single-family residential lots and five (5) common areas. Phase 1 will consist of 45 residential lots and 4 common areas; the future Phase 2 will consist of 13 residential lots and 1 common area. He stated Phase 1 is 59.325 acres in size and is comprised of all of the unplatted former Williams property, and segments of the previously platted Lots 2 & 3 of Jackson Estates and Lot 1 of Ward Addition.

Mr. Schmidt stated the Plat application process is a "ministerial" review process, meaning that if the submitted plat conforms to the prescribed zoning, subdivision and development regulations of a municipality, the review process is non-discretionary in that the town is required by state law to approve the plat. He stated this plat 1) conforms to zoning, subdivision and development regulations; 2) conforms to water, sewer and street design requirements; and 3) conforms to the park, open space and trail plan in that the applicant will provide cash-in-lieu of parkland dedication as approved by Council at its May 14, 2015 meeting.

Mr. Schmidt stated 8 adjacent property owners (and McKinney ISD) were notified in accordance with town and state law. He stated since these are conforming plats, no protest mechanism is triggered by the replats. Mr. Schmidt stated staff recommends approval of the Final Plat of Chamberlain Place Phase 1 and a Replat of Lot 2 and Lot 3, Jackson Estates and Lot 1, Block A, Ward Addition.

Chairman Northcutt opened the public hearing.

Mr. Doug Mousel, LandPlan Development, requested approval of the request as it meets all town regulations.

No further comments were made. Chairman Northcutt closed the public hearing.

Commissioners had a discussion regarding existing trail easements and common area requirements. Chairman Knight expressed her concerns about the Town's Transportation Plan and the lack of an immediate second point of access to the proposed neighborhood.

Vice-Chairman Friend made a motion to approve the Final Plat of Chamberlain Place Phase 1 and a Replat of Lot 2 and Lot 3, Jackson Estates and Lot 1, Block A, Ward Addition. Commissioner Flood seconded the motion, and the motion was approved with a 5-1 vote. Commissioner Knight voted in opposition of the motion.

3. Conduct a public hearing, consider, and take any necessary action on a request by Chamberlain Place, LP to amend the Zoning Ordinance, specifically, Article 14.02, Division 11 (Conditional Use Permit District), Sec. 14.02.514 (Use Regulations), in order to add the One-Acre Ranch Estate (RE-1) zoning district as a permitted district for the conditional use of temporary concrete batching plants. (ZA2015-10).

Ms. Gregory stated the applicant, Chamberlain Place, LP, is requesting an amendment to the Zoning Ordinance, specifically Article 14.02, Division 11 (Conditional Use Permit District), Section 14.02.514 (Use Regulations) in order to add the One-Acre Ranch Estate (RE-1) zoning district as a permitted district for the conditional use of a temporary concrete batching plant. She stated the applicant is concurrently applying for a CUP in order to operate a temporary concrete batching plant for the installation of public infrastructure for the Chamberlain Place neighborhood.

Ms. Gregory stated the applicant proposes to operate this batching plant for a period of time not to exceed thirty (30) days. She stated the applicant has provided a site plan and other documentation that indicate full compliance with state regulations, with concrete produced on site being used only for the benefit of this site. Ms. Gregory gave site specific conditions: 1) Batch plant will not be located within 600' of any inhabited residential structure; 2) Batch plant hours of operation would be 7am-7pm on Monday through Friday and 9am-5pm on Saturday; 3) Material delivery trucks may only utilize Stoddard Road, no batch plant related traffic is permitted on Hart Road; and 4) Material delivery trucks will not operate on Stoddard Road during school zone hours.

Ms. Gregory explained the batch plant process. She stated that the TCEQ will be the permitting authority for this plant if approved use is given.

Ms. Gregory stated that town staff notified 50 adjacent property owners within 500' of the subject property (as well as Lovejoy and McKinney ISDs) in accordance with town and state law. She stated that staff received no statements of support and received six (6) statements of opposition for the CUP request.

Ms. Gregory stated that the batch plant would reduce the required truck trips for the concrete pour by approximately 78 trips (from 370 to 292). She stated that the primary benefit to both the applicant and the town would not only be the reduction of truck traffic, but also the reduction in the land development process timeline. She stated it would significantly reduce the period of time where heavy equipment is moving through the Puster Elementary school zone.

Ms. Gregory stated that staff recommends approval of the request to amend the Zoning Ordinance as stated in ZA2015-10 and the request for a CUP for a temporary concrete batching plant in ZA2015-11.

Chairman Northcutt opened the public hearing.

Mr. Steve Ogden, 541 Bluebird Lane, stated that he had concerns about ensuring that batch plants were appropriately monitored by town staff.

No further comments were made. Chairman Northcutt closed the public hearing.

Commissioners had a discussion regarding holding contractors liable, restricting the number of extensions. Commissioner Knight expressed her concern about the reduced trips not being enough to warrant granting a CUP.

Commissioner Doi made a motion to approve the request to amend the Zoning Ordinance, specifically, Article 14.02, Division 11 (Conditional Use Permit District), Section 14.02.514 (Use Regulations) in order to add the One-Acre Ranch Estate (RE-1) zoning district as a permitted district for the conditional use of a temporary concrete batching plant. Vice-Chairman Friend seconded the motion, and the motion was approved with a 5-1 vote. Commissioner Knight voted in opposition of the motion.

- 4. Conduct a public hearing, consider, and take any necessary action on a request by Chamberlain Place, LP for approval of a Conditional Use Permit in order to allow for the use of a temporary concrete batching plant to facilitate the installation of public infrastructure for Chamberlain Place Phase 1, a proposed residential subdivision that is zoned One-Acre Ranch Estate (RE-1) and is generally located west of Stoddard Road and north of Sloan Creek. (ZA2015-11).**

The Commission held the public hearings for planning cases ZA2015-10 and ZA2015-11 concurrently.

Commissioner Doi made a motion to approve the request for a Conditional Use Permit for a temporary batching plant for the sole purpose of concrete work to be done on the Chamberlain Place Phase 1 development for a period not to exceed 30 days, with a 30-day extension that may be approved by the Town Manager to address delays caused by weather and other unanticipated events. Vice-Chairman Friend seconded the motion, and the motion was approved with a 5-1 vote. Commissioner Knight voted in opposition of the motion.

5. Conduct a public hearing, consider, and take any necessary action on a request by Grenadier Homes for Major Warrants pertaining to block configuration standards, building type standards and architectural standards for a 14.22± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Transition Sub-district, and is generally located at the southeast corner of State Highway 5 and Bluebird Lane. (MW2015-01).

Mr. Schmidt stated that the applicant, Grenadier Homes, is applying for Major Warrants pertaining to block configuration, building type, and architectural standards in order to establish a residential neighborhood comprised of 58 townhome units and 10 single-family detached lots. He stated that the applicant prepared two (2) Development Plans for the town to consider: 1) Scenario #1: provides for four Major Warrants in order to accommodate the desired neighborhood configuration and 2) Scenario #2: provides for four Major Warrants in order to accommodate the desired neighborhood configuration. Mr. Schmidt stated in accordance with the recently updated CPDD zoning ordinance, development applications are administratively approved by staff if they conform to the pre-approved development standards included in the code. He explained the difference in major warrants versus minor warrants. He stated the request by the applicant are considered major warrants and thus requires public hearings and consideration before the P&Z and Town Council.

Mr. Schmidt stated the existing uses on the subject properties are residential (1 DU), agricultural, and open space. The projected land use calls for “neighborhood compatible development” in accordance with the vision and intent of the CPDD Code. Adjacent projected land uses include the Residential suburban and Residential Estate land uses. Mr. Schmidt stated the existing zoning is CPDD – Urban Transition Sub-district. He stated the applicant has vested rights to advance a Concept Plan that was approved in 2005 that accommodated single-family detached, townhome, and retail uses on the site. He stated these vested rights expire in 2017.

Mr. Schmidt stated the applicant’s four Major Warrant requests include the following: 1) The failure to connect the development to adjacent neighborhoods/public streets through a public street connection; 2) A reduction in the required garage offset for front entry garages from 20’ to 10’ from the front façade of the dwelling unit; 3) Reducing the minimum lot depth for the Townhome I building type in order to provide for an attached garage in lieu of a detached garage; and 4) The requirement to elevate the entry stoop or porch to accommodate at least three 6” steps simulating the traditional elevated floor plate.

Mr. Schmidt stated the applicant adjusted his plan to accommodate the failure to provide a public street connection by providing an emergency access connection to Bluebird Lane and also adjusted the location of said emergency access drive based on feedback from Bluebird Lane residents.

Mr. Schmidt stated the applicant could not adjust his building plans to accommodate a full 20' offset for front entry garages, however applicant proposes to 1) make a provision of a 10' gift to the street in the form of a covered porch for all impacted units, 2) provide for planter strips on each side of the driveway to accommodate landscape screening, 3) provide for warm-toned aggregate paving to soften the view of the pavement, and 4) necking down the driveway width to 12' where it meets the sidewalk.

Mr. Schmidt stated the applicant could not fully accommodate the 80'/90' minimum lot depth, however, the applicant proposes to exceed open space requirements on the site for both land area and amenitization and provide a patio/outdoor space for each townhome unit.

Mr. Schmidt stated the applicant wishes to have the elevated front entry stoop requirement waived for all home sites so the applicant can employ Universal Design (UD) throughout the neighborhood. This building design calls for buildings to be designed in a manner that provides for universal accessibility for people with and without disabilities and for seniors. He stated the applicant proposes this warrant be granted only for the units that fully implement UD components specified in the final approved development plan.

Mr. Schmidt stated staff notified 76 adjacent property owners and McKinney ISD in accordance with town and state requirements, and have received four (4) statements of opposition and six (6) statements of support.

Mr. Schmidt stated staff recommends approval of Major Warrants pertaining to block configuration, building and architectural standards for a 14.22± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Transition Sub-district, and is generally located at the southeast corner of State Highway 5 and Bluebird Lane.

Chairman Northcutt open the public hearing.

Cody Hooper, 491 Bluebird Lane, stated his support of the request and discussed concerns related to the landscape buffer, emergency access, and pedestrian access.

Steve Ogden, 541 Bluebird Lane, stated his support of the request and discussed concerns related to the landscape buffer, emergency access, and pedestrian access.

Arthur Hood, 521 Bluebird Lane, stated his support of the request and discussed concerns related to the landscape buffer.

No other comments were made. Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the landscape buffer and pedestrian access. Commissioner Knight communicated to staff her belief that the intent of the Urban Transition Sub-District was not being met for this project.

Anthony Natale, Grenadier Homes, stated the amenity center will be on-site.

Commissioner Doi made a motion to approve the request for development scenario #1, with the condition that no fencing or berms shall be installed in the landscape buffer, no sidewalks be installed north of the landscape buffer, and pedestrian access shall be installed between this proposed neighborhood and Bluebird Lane. Vice-Chair Friend seconded the motion, and the motion was approved with a 5-1 vote. Commissioner Knight voted in opposition to the motion.

6. Consider, discuss and take any necessary action on a request by M. Christopher Custom Homes for approval of a Preliminary Plat for the Harper's Landing Addition, a proposed residential neighborhood comprised of 13 single-family residential lots on a 28.934± acre tract of land situated in the Robert Fitzhugh Survey – Abstract No. 317 and that is generally located east of Farmstead Road and 1,600 north of Stacy Road. The subject property is zoned Two-Acre Ranch Estate (RE-2). (PP2015-03).

Mr. Schmidt stated the applicant is applying for Preliminary Plat approval in order to establish a residential neighborhood of 13 single-family lots. He stated the applicant's property is a 28.9± acre tract of land situated in the Robert Fitzhugh Survey – Abstract No. 317 and that is generally located east of Farmstead Road and 1,600 north of Stacy Road. He stated the applicant's property is zoned Two-Acre Ranch Estate (RE-2).

Mr. Schmidt stated the Plat application process is a "ministerial" review process, meaning that if the submitted plat conforms to the prescribed zoning, subdivision and development regulations of a municipality, the review process is non-discretionary in that the town is required by state law to approve the plat. He stated the applicant submitted a preliminary plat, preliminary engineering plans and landscape and tree removal plan for town review.

Mr. Schmidt stated public access will be provided from Farmstead Road. He stated emergency access easements have been provided at the northern and southern cul de sacs in order to accommodate secondary emergency access to the subject property.

Mr. Schmidt stated the applicant will need to extend an offsite waterline through the property to the north, extending west to a town waterline on FM 1378. He stated the applicant would also need to stub out a dead-end waterline at their southern cul de sac that will eventually extend south when the property to the south develops. There is no floodplain on the subject property.

Mr. Schmidt stated the ordinances of the Town permits the town to require the dedication of parkland to support the development of parks within the interior or within a walkable distance to new residential neighborhoods. He stated in circumstances where a park is not provided, the town may except a cash dedication in lieu of land in order to allow the town to dedicate that towards the improvement of existing or future park facilities that are nearby. The Parks Plan depicts a

generalized location for a park straddling the northern section of this proposed development and the southern boundary of the former Rickman Airport property to the north. Mr. Schmidt stated due to the small size of the required parkland dedication, the very large lot sizes and the more appropriate parkland location on the property to the north, staff recommends a cash-in-lieu of parkland dedication for this proposed development. He stated staff would also make this recommendation to the Parks Advisory Board at their July meeting.

Mr. Schmidt stated staff recommends approval of a Preliminary Plat for the Harper Landing Addition with the following conditions: 1) Additional work with Town Engineering staff to minimize tree loss due to conflicts with roadway, utility and private improvement placement; 2) Additional work with Town Engineering staff concerning the utilization of the North Texas Municipal Water District (NTMWD) 40' utility easement at the eastern subdivision boundary.

The commission had discussions regarding the tree removal plan and access to north property for future use.

Bryon Reid, M. Christopher Custom Homes, stated that he has revised the tree removal plan in order to preserve most of the trees on site.

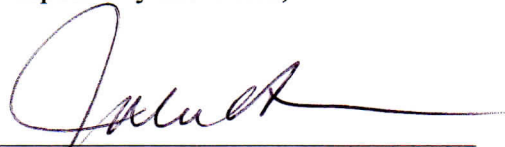
The commission requested that the applicant consider removing one of the entry monument signs and downsizing the remaining monument sign so that it is more sensitive to the rural context of adjacent neighborhoods.

Commission Doi made a motion to approve the Preliminary Plat based on the conditions given by staff and the condition that the applicant removes one monument sign and reduces the scale of the remaining monument sign. Commission Hagar seconded the motion and motion was approved unanimously.

7. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 9:39 p.m.

Respectfully submitted,



Julie Couch
Town Manager



Brad Northcutt, Chairman
Planning and Zoning Commission