

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

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

Chairman Northcutt called the meeting to order at 7:00 p.m. and declared a quorum was present. Chairman Northcutt welcomed new Commissioners John C. Cox and Scott Almy to the Planning and Zoning Commission. Chairman Northcutt thanked former Commissioner Mike VanNatta in the audience, for his service to the town.

1. Consider and take action regarding the minutes of the August 13, 2015 Planning and Zoning Commission meetings.

Commissioner Doi made a motion to approve the August 13, 2015 minutes. Commissioner Almy seconded the motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request by Mr. Charlie Cottingham, 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 1281 Stacy Rd, being Lot 1, Block A of the Roberts Addition to the Town of Fairview. (ZA2015-12).

Mr. Schmidt gave a presentation on a request by Mr. Charlie Cottingham, 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).

Mr. Schmidt stated that staff recommends approval on the condition that the applicant plants vegetation in order to screen the property from view.

Chairman Northcutt opened the public hearing and offered the applicant, Charlie Cottingham the opportunity to speak. The applicant had no additional comments to add to Ken's presentation.

Due to the size of the audience, Chairman Northcutt stated the rules of the public hearing at Commissioner Friend's request.

No comments from the audience were made.

Chairman Northcutt closed the public hearing. Chairman Northcutt asked for questions or comments from the commission regarding the Conditional Use Permit.

Commissioner Doi and Mr. Schmidt had a conversation about the town's current regulations about the building separation space required.

Commissioner Doi asked the applicant about the nature of the temporary storage units on his property and if he could replace the current small shed on his property with the large garage.

The applicant, Charlie Cottingham, 1281 Stacy Road, stated that he has two temporary storage units on his driveway until the garage is constructed, but that they will be removed after it is built. Mr. Cottingham stated the small shed was on the property when he purchased it and that while he could replace it with the garage, he would prefer to have both.

Commissioner Doi asked Mr. Schmidt if the all-metal structure was in character with the ordinance's intent for accessory buildings. Mr. Schmidt responded that an all-metal building is allowed within the ordinance but that because the applicant is requesting conditions that do not conform to the town's ordinance regarding building separation, the commission is allowed to add additional conditions. Commissioner Doi asked the applicant if he would be agreeable to adding a base trim with stones or rock.

The Commission had a discussing regarding screening vegetation and the possibility of using mature plants that will screen the building right away. Commissioner Doi stated that he prefers that staff make a plan with the applicant that the applicant likes for landscaping. The Commission also had a discussion regarding the structure's base landscaping versus using a base trim with stones.

Commissioner Friend made a motion to approve the 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 1281 Stacy Rd with the condition that upon completion of the project the applicant plants evergreens and/or scrubs that will screen the North side of the building at maturity

Commissioner Doi requested the motion be amended to say the applicant will work with staff to create a landscape plan including base screening and some taller trees. Commissioner Flood seconded the motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request made by 84 Acres Red Oak Trail, LLC to rezone a 31.63± acres segment of land which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) and is situated in the GB Pilant Survey, Abstract No. 691, and generally located at the eastern terminus of Red Oak Trail and north of the Montecito Estates #2 Addition, to the Planned Center (PC) Zoning District. (ZA2014-01).**

Mr. Schmidt stated that the applicant, Steve Dinapoli, was present and available for questions at the conclusion of his presentation. Mr. Schmidt gave a presentation on a request made by 84

Acres Red Oak Trail, LLC to rezone a 31.63± acres segment of land, which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) to the Planned Center (PC) Zoning District.

Mr. Schmidt said the request conforms to the town's future land-use plan.

Chairman Northcutt asked about the reclaimed floodway within the property. Mr. Schmidt stated the applicant did submit a floodplain development permit in conformance with town requirements for floodplain reclamation and the plans have been submitted with the Town Engineer to FEMA in order to revise the flood insurance rate map.

Mr. Schmidt stated that staff recommends approval of rezoning the area.

Chairman Northcutt opened the public hearing.

The applicant, Mr. Steve Dinapoli of Dinapoli Development, 1601 Alma Road in Plano, discussed issues with the North Texas Municipal Water District and their tree removal. Mr. Dinapoli stated that the parkland funds contribution to the town would be about \$350,000. He stated that the trees he removed on Lot 7 would be replaced. Mr. Dinapoli stated that he committed to the prior owner of the existing property to add fencing around their home, but that he has not met the new owner yet. Mr. Dinapoli spoke on the hike and bike trail addition. Mr. Dinapoli stated that fencing would also be added on top of the walls. Mr. Dinapoli supports the rezoning request.

Michael Collins, 1413 Meandro Ria, had questions about the engineering surveys. He stated that his home is near the common areas and wanted to know how it will be used. Mr. Collins stated that he is in favor of the parkland dedication but that he would like pedestrian access to the common area and parkland dedication area. Mr. Collins wanted to know if the data used for the floodplain reclamation was recent. Mr. Collins stated that several residents on Meandro Ria that were facing trees would soon be facing a six-foot high wall with a wrought iron fence on top of it. He suggested using stone pillars with cedar rails, as that would be more consistent with their development's style. Mr. Collins would like to see more done to the property than is currently planned for landscaping; he would like to see pecan, red oak or maple trees that are at least 10 inches and 30 feet. He also questioned that in the plan it lists that there will be two points of access, when the map shows only one point of access. Mr. Collins added that he did not want streetlights in the neighborhood. Mr. Collins made no formal statement for or against the rezoning.

Clayton Smith, 1431 Meandro Ria Lane, stated he was on the south end of the floodplain reclamation and saw new water diversion this spring due to the work performed by NTMWD. Mr. Smith added that the soil currently on the land is low quality and not ideal for planting trees. Mr. Smith stated that he wasn't sure that they considered the elevation changes from the area to the west of his property that are causing water flow issues into his property. Mr. Smith made no formal statement for or against the rezoning but did state he thought the corner of Lot 7 would need further action.

Robert Traulich, 1421 Meandro Ria Lane, stated that his property backs the end of the corner and that since the work performed by the NTMWD he has had the most water runoff he has seen in 26 years. He also added on to Mr. Smith's statement that you would not be able to plant trees where they are planned because it is all rocks.

Lisa Green, 1401 Meandro Ria Lane, stated that she is the new owner of the existing property that the development will be built around, surrounded on three sides of her property. Ms. Green stated that they are most concerned about the area to the East of their home, which currently is a view of an open field with trees in the distance. She is concerned that could potentially be replaced with a view of a home. Ms. Green additionally stated concerns about what times construction would be performed. Ms. Green added that while the trail to the north is a nice idea, it is so far north, it likely will not be used by them.

Mr. Traulich submitted a photo to the council of the water runoff.

Trista Collins, 1413 Meandro Ria Lane, stated that she bought her home specifically for its view of many large pecan trees that have since been torn down. She would like the trees replaced with ones that are already somewhat mature.

Jerome Cruz 1460 Meandro Ria Lane, stated his displeasure with the work done by the North Texas Municipal Water District. Mr. Cruz is also unhappy with the backfill done near Mr. Traulich's property. Mr. Cruz additionally stated his agreement that he did not want streetlights in the new development. Mr. Cruz asked where the water runoff is supposed to go, asked if there will there be retention ponds. Mr. Cruz stated that he has had the worst flooding he has ever experienced and that it has changed direction since the back fill of the property and thinks it will get worse when construction on the homes begins. Mr. Cruz stated that thousands of trees have been bulldozed since the work on this property began.

Fay Martin, 1415 Meandro Ria Lane, stated she lives south of Lot 7 and that she was very unhappy with the amount of trees bulldozed. She did not want a fence or anything between Lot 7 and the houses to the south of it. Ms. Martin stated that she would like it if Meandro Ria's community could have access to the new trails to the creek. Ms. Martin made no formal statement for or against the project.

Stu Manning, 1371 Meandro Ria Lane, stated that his home is located in the southwest corner of the new development. Mr. Manning stated he appreciated the trail planning done on this plan. Mr. Manning stated that he thought many issues stemming from Lot 7 could be resolved by eliminating most of Lot 7 from the plan and reducing the other lots to make 10 lots. Mr. Manning stated that he did not feel the rezoning should be approved by the Commission until the developer has made changes reflective of the comments made by the residents. Mr. Manning suggested making Lot 7 a common area. He stated that he also was against streetlights or lit parkland area.

Seth Wardlow, 1471 Meandro Ria Lane, stated in defense of the applicant, that the flood plain reclamation and survey were completed with the permission of the Town Council. He stated that Mr. Dinapoli has been very transparent in what he has been trying to accomplish and gotten the approval of the Town Council to do so causing significant impact to the surrounding

neighborhood. Mr. Wardlow stated that he understands that it is Mr. Dinapoli rights as a property owner to use the property as he wishes, as long as it is within the town's standards. Mr. Wardlow further stated that a reasonable plan could be made with some significant changes due to the issues the residents are incurring, but they would like to see that before this item moves forward with the Commission.

Chairman Northcutt closed the public hearing.

The Commission and Mr. Chancellor discussed the floodplain issues in the area including drainage, recent heavy rains and the slope of the land. Commissioner Doi asked if the wall was necessary on Lot 7. Mr. Chancellor stated that the wall is the best way to keep water out, but that it could also be accomplished less effectively with a slope.

Commissioner Northcutt asked about possible trail and park access for the residents on Meandro Ria. Mr. Schmidt stated that trail access on the Meandro Ria side is only possible on existing property. Mr. Dinapoli stated that a reconfiguration of Lot 7 and the HOA common area could make trail access possible. The Commission and Mr. Dinapoli discussed Lot 7 and the possibilities of a landscape buffer or slope instead of a wall and/or fencing.

The Commission discussed the tree removal done. Mr. Chancellor stated the area is so forested, that it would not have made sense to block floodplain reclamation for such a small portion of the land. Mr. Chancellor stated that the majority of the removal of the nicer trees was done by the NTMWD. Mr. Chancellor added that the NTMWD would be paying the city for the trees, however, that these funds will go into a reforestation fund that is required by city ordinance to add trees to public land, rather than the private land where these trees were removed.

Commissioners Almy and Doi discussed possible improvements needed on Red Oak Trail with Mr. Chancellor.

Commissioner Doi asked Mr. Dinapoli what was planned for the common land between Lots 1 and 2. Mr. Dinapoli stated that they made sure it was wide enough for mowing equipment to be able to get through it to be maintained by the HOA.

Commissioner Doi asked about the streetlights. Mr. Schmidt stated that it was too early in the process, but normally in an RE-2 zoned area, they would later have to plan for a streetlight every 600 feet. Chairman Northcutt suggested that they make no streetlights a condition of the zoning. Mr. Schmidt asked if it is the council's intention to restrict carriage lighting as well, the commission said it was not.

Chairman Northcutt and Mr. Dinapoli had a discussion on the use of curbs with inlets versus no curbs to control water flow considering the elevation.

Commissioner Cox expressed concerns about the flooding the residents have seen recently; the commission discussed the floodplain.

The Commission had a discussion with Mr. Dinapoli about the possibility of removing the wall on Lot 7 in favor of a slope.

The Commission had a discussion with Mr. Dinapoli and Ms. Green regarding the possibility of using wrought iron fencing versus the existing barbwire. Commissioner Northcutt asked that the discussion be tabled and for the developer to meet directly with Ms. Green.

Commissioner Doi asked if Mr. Dinapoli would be amenable to working with staff and Ms. Green to add a tree line between the property and Ms. Green's property, Mr. Dinapoli agreed.

Commissioner Doi made a motion to approve the zoning change of the 31.63± acres segment of land which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) and is situated in the GB Pilant Survey, Abstract No. 691, and generally located at the eastern terminus of Red Oak Trail and north of the Montecito Estates #2 Addition, to the Planned Center (PC) Zoning District. (ZA2014-01) with the conditions that there be no street lights, that the developer work with staff regarding removing the wall in Lot 7 and the developer works with staff to incorporate a tree line buffer between Ms. Green's property and Lot 7. Commissioner Friend seconded the motion and the motion was unanimously approved.

Chairman Northcutt called for a two-minute recess.

- 4. Conduct a public hearing, consider, and take any necessary action on a request by Kittyhawk LLC for approval of a Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, Abstract No. 909, zoned Commercial Planned Development District (CPDD), Neighborhood General Sub-District, and is generally located west of the intersection of SH 5 and Meandering Way. (CPA2015-01).**

Mr. Schmidt presented on a request by Kittyhawk LLC for approval of a Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, zoned Commercial Planned Development District (CPDD),

Mr. Schmidt stated that of the 48 adjacent property owners notified, the Town received four statements of opposition. Mr. Schmidt stated that staff recommends approval of the Amendment conditioned on the developer using the proposed development standards agreed upon in the last few days between staff and the developer.

Chairman Northcutt opened the public hearing.

Christopher Williams, 409 Braddock Drive, stated that he is located across the street from the development. Mr. Williams stated he does not currently see a commitment to berms or trees along Highway 5 and that these would help with noise reduction as well as a more pleasant view. Mr. Williams other major concern is more traffic and would like the commission to be more proactive on traffic in that area. He stated that due to the 55 MPH speed limit on Highway 5, the Town should work with state authorities to add a traffic light at the intersection at Meandering Way and to widen the road. Mr. Williams made no formal statement for or against the amendment.

Ron Baranski, 5299 Fordham Drive, stated that he is within Cypress Crossing and his backyard will face the new development. Mr. Baranski complimented Mr. Schmidt for being very responsive through the process. Mr. Baranski would like to see some type of screening berm on Highway 5, similar to at the Villas or Villages, to keep the area consistent. He stated that Mr. Schmidt informed him that the issue is that there is a sewer easement taking up some of the space. Mr. Baranski said he would like to see them use some of the 25-foot landscape buffer inside the development to some screening from within the development. Mr. Baranski agreed with Mr. Williams that something should be done to address the traffic issues and stated they would just get worse with all the new developments. He stated that is already often a three to five minute wait to cross Highway 5 at Meandering Way. Mr. Baranski made no formal statement for or against the amendment.

James Mueller, 423 Plumwood Way, stated that he is also located within Cyprus Crossing. Mr. Mueller reiterated the local traffic issues. He stated that there should be a traffic light at Meandering Way and Highway 5 before the development is built. He recognizes that it is a state highway but believes the developer and the commission should lobby the state to make this change before someone gets hurt in an auto accident.

Ralph Thompson, 420 Windmill Lane, stated that he was glad the developer was not using the older plan standards because it would not make for a desirable development. Mr. Thompson stated that his subdivision feels it is beneficial for this new development to be successful in order for their own to be successful regarding property values. He continued that through this process, the residents agreed to reduce the 100-foot buffer by 25-feet in order to build a more suitable subdivision, but this agreement had was a condition that the developer would use landscaping including wrought iron fencing and berms. Mr. Thompson stated that the developer seems agreeable to most of the requests but wanted the Commission to be aware of those discussions. Mr. Thompson concluded that his subdivision is also concerned about traffic as well as water pressure in their neighborhood.

Helen Williams, 409 Braddock Drive, stated that she was speaking for Sue and Joe Grow who had to leave earlier in the meeting. Ms. Williams stated that the Grows were concerned about the traffic, noise and visual impacts. She stated that berms on both sides of Highway 5 were possibly needed. She also stated a concern that there would be no room for berms if the road were ever widened. Ms. Williams made no formal statement for or against the amendment.

Judy Carvajal, 461 Windmill Lane, stated that the development was going in behind her home. Ms. Carvajal stated that she feels based on the audience's commentary that dealings are going on behind the Commission's backs. Ms. Carvajal stated concerns about the townhomes being two and a half stories. Ms. Carvajal is concerned about traffic and water in the area. Ms. Carvajal is opposed to the amendment.

Susan Hedgepath, 417 Rosemont Lane, stated that due to her and her husband's backgrounds in law enforcement that there would increase issues with not only noise, water, debris and traffic, but she also was concerned if the Town is adding enough police and fire coverage for the area. Ms. Hedgepath additionally was concerned about population density due to the apartments and church going into the area. Ms. Hedgepath was wondering what the cost and size of the

townhomes would be due to concerns about affecting property values in the area. She felt there is too much development being clustered around Cypress Crossing and the surrounding areas with not enough capacity and infrastructure to take care of it. Ms. Hedgepath is opposed to the amendment.

Keith Lovelace, 441 Horseshoe Trail, stated that he frequently represents his neighborhood at these meetings. Mr. Lovelace stated that he knows the Commission has their hands tied regarding traffic and believes it will not be addressed by TxDOT until there are a number of deaths due to the issues. Mr. Lovelace stated that while some in the area have been promised the road will be widened, others have been promised it will never be widened. Mr. Lovelace said his neighborhood wants to see the plan be successful and by working with the developer and Mr. Schmidt, this was one of the better plans. Mr. Lovelace stated that his neighborhood generally supports the development but there are some issues to address. He stated that they are willing to give up 25-feet of the 100-foot buffer but that there needs to be a berm and that the new HOA needs an amendment making them required to replace trees and bushes as they die in the future. Mr. Lovelace would also like to see a six-foot wrought iron fence along their border. Mr. Lovelace says the developer has expressed that only a fence or a berm can be done, but not both. Mr. Lovelace said that would be further discussed directly with the developer and the five adjacent homes.

The applicant, Jed Dolson of Kittyhawk LLC, 2805 N Dallas Parkway Suite 400, stated a third of the homes would be single-story and the rest will be two-story. He clarified that there would not be any two and a half story homes as previously stated. He continued that they could do a fence or berm, but would not be able to do both. Mr. Dolson stated that 36 units is a small component in the master plan regarding traffic. Mr. Dolson supports the amendment.

Chairman Northcutt asked if there were plans to do a berm along both the Highway 5 section as well as the southern area. Mr. Dolson stated that based on his meetings with staff, they did not feel a berm was feasible in the land along Highway 5, but that there would be some sort of screening. He said he was not sure what would happen to a berm if TxDOT decided to widen the road.

Chairman Northcutt closed the public hearing.

Mr. Schmidt stated that the applicant is committed to a streetscape along Highway 5 that is reflective of the current code but that there are space constraints due to the sewer easement, the landscape buffer, the gas line easement and any sight line visibility for Highway 5. Mr. Schmidt stated his preliminary concept plan recommendation to the applicant is to use ornamental trees that will screen without affecting sightlines or the sewer line.

The Commission had a discussion with Mr. Schmidt regarding the Highway 5 traffic issues. Commissioner Flood stated they agreed with the public and that they have talked to TxDOT multiple times about it to no avail.

Commissioner Doi asked about the garage doors on the front of the townhomes. Mr. Schmidt stated that since street-facing garage doors were not typically permitted in the Town, he asked that the applicant voluntarily make improvements upon the standard garage door.

Commissioner Doi asked Mr. Chancellor about the issue with water pressure in the neighboring subdivision. Mr. Chancellor said he was not aware of any issues with the waterlines and said that they were upgraded a few years prior. He stated that he would follow up with Mr. Thompson.

Mr. Schmidt stated that Mr. LaCroix would work with the developer on HOA amendments for landscape requirements.

Commissioner Friend asked about the typical square footage and price of the new homes. Mr. Dolson stated that the one-story homes are designed for empty nesters and would be 16-1800 square foot. He continued that the two-story townhomes would only be 14-2200 square feet. Mr. Dolson stated these homes are not meant for large families. Mr. Dolson stated that similar homes by the builder sell for \$220,000 to \$280,000 in East Plano and \$250,000 to \$300,000 in Craig Ranch.

Chairman Northcutt stated that he feels the plan had much improved. The Chairman stated he prefers berms to fences but asked that the developer continue to coordinate with what the current residents would prefer.

Commissioner Friend expressed concerns over the two different styles shown as examples in the Commission Packet. He stated that the Commission does not really know what style they are approving. Chairman Northcutt stated he agree that the commission add a condition that there not be conflicting styles within the development.

Commissioner Doi made a motion to approve the Concept Plan Amendment for a proposed single family attached (townhome) residential development on a 6.5± acre tract of land that is situated in the John A. Taylor Survey, Abstract No. 909, zoned Commercial Planned Development District (CPDD), Neighborhood General Sub-District with the conditions that the developer keep the architectural style is consistent throughout the neighborhood, that the developer work out a resolution with the current residents whether to have a six foot fence or berm, that the HOA amendments reflect a way to replace landscaping in the future, and that there be a landscape buffer on Highway 5 and that the building height be limited to two-stories.

Commissioner Flood seconded the motion and the motion was unanimously approved.

- 5. Consider, discuss and take any necessary action on a request by M. Christopher Custom Homes for approval of a Final Plat for the Harper 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). (FP2015-05).**

Mr. Schmidt gave a presentation on a request by M. Christopher Custom Homes for approval of a Final Plat for the Harper 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.

Mr. Chancellor stated that he met with the applicant in order to limit tree removal. He stated that the applicant agrees he does not want to lose the trees as they add value to the lots. Mr. Chancellor stated there is only one heavily forested lot where they will need to work individually during the home permitting in order to remove as few trees as possible. Chairman Northcutt stated that he appreciated the work they have done to accommodate trees.

Mr. Schmidt stated that modifications were made to the plat due to Commission concerns about a lot being divided by an access easement, so now that has been shared to common HOA land. Mr. Schmidt stated that as a fully conforming plat staff recommended approval.

Commissioner Doi and Mr. Chancellor discussed the drainage runoff.

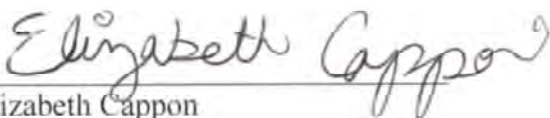
Commissioner Friend made a motion to approve the Final Plat for the Harper Landing Addition, a proposed residential neighborhood comprised of 13 single-family residential lots on a 28.934± acre tract of land situated in the Robert Fitzhugh Survey – Abstract No. 317 and that is generally located east of Farmstead Road and 1,600 north of Stacy Road. The subject property is zoned Two-Acre Ranch Estate (RE-2). Commissioner Flood seconded the motion and the motion was unanimously approved.


Chairman Northcutt and the Commission thanked Mr. Schmidt for his years of service to the Town. Town Manager Couch introduced Interim Planning Manager Robert Lacroix.

6. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 10:29 p.m.

Respectfully submitted,


Elizabeth Cappon
Town Secretary


Brad Northcutt, Chairman
Planning and Zoning Commission