

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 10, 2013**

Vice Chairman Hendricks called the meeting to order at 7:00 p.m. Commission members present were Ricardo Doi, Renee Powell, Paul Hendricks, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; Community Development Manager, Ray Dunlap; and Town Secretary, Michelle Lewis Sirianni. Commissioners Pat Friend, Brayton Campbell, and Brad Northcutt were absent.

1. Consider and take action regarding the minutes of the December 13, 2012 Planning and Zoning Commission meeting.

Commissioner Powell stated that she called in corrections prior to the meeting.

Commissioner Powell made a motion to approve the minutes of the December 13, 2012 Planning and Zoning Commission meeting as amended. Commissioner Flood seconded that motion and the motion was unanimously approved.

2. ZA2013-01: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 450 Palomino Way, being Lot 8 of the Bridlegate subdivision.

Mr. Schmidt stated that the subject property is 1.002 acres in size and currently zoned One-acre Ranch Estate (RE-1). The property contains one single-family residence with a swimming pool, accessory building, and an approximately 1,000 sq. ft. sports court. Mr. Schmidt stated the property owner; Mrs. Billingsley is requesting a Conditional Use Permit (CU) in order to install a fence that abuts the eastern boundary of the sports court. The actual sports court structure and basketball hoop was installed prior to the establishment of the town's policy of requiring a CUP. The fence was also installed without prior approval of the town. Mr. Schmidt stated the applicant was unaware that she needed a permit, which triggered the process of a CUP. The applicant once notified by the town has been fully cooperative. The applicant has submitted a Site Plan including additional landscaping to screen the structure from adjacent properties.

Mr. Schmidt stated the staff notified surrounding property owners and has received five statements in support. Town staff recommends approval of a Conditional Use Permit (CU) for the installation of sports court fencing at 450 Palomino Way.

Vice Chairman Hendricks opened the public hearing. No comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to the commission members. No additional comments were made.

Commissioner Flood made a motion to approve a Conditional Use Permit (CU) zoning for the installation of sports court fencing at 450 Palomino Way. Commissioner Doi seconded that motion and the motion was unanimously approved.

- 3. ZA2013-02: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 833 Dewberry Lane, being Lot 3, Block B of the Tranquility Farms subdivision.**

Mr. Schmidt stated that the subject property is 1.054 acres in size and currently zoned One-acre Ranch Estate (RE-1). The subject property contains the construction of a single-family, which will include an attached outdoor room and swimming pool. Mr. Schmidt noted that the subject property abuts a detention pond that serves as a common area for the subdivision and is maintained by the HOA. Mr. Schmidt stated the applicant, Mr. Greg Alford, is applying on behalf of the homeowners, Loren and Stephanie Hsiao. The applicant is requesting a zoning change for a Conditional Use Permit (CU) zoning in order to allow for the construction of a sports court. The applicant submitted a Site Plan, which indicates the construction of a sports court that is 27' x 55', which will occupy a footprint of 1,485 sq. ft. The applicant is proposing to install one basketball hoop on the south side, and will not have any lighting or fencing. Mr. Schmidt stated that the Site Plan fully conforms to the town's requirements and has met the impervious surface requirement as well. The landscape plan that was submitted proposes screening on the north and south sides. Mr. Schmidt stated that staff recommends additional plantings on the south side.

Mr. Schmidt stated that staff notified surrounding property owners and has received three in support, and several in opposition. Mr. Schmidt stated that the plan conforms to the town's guidelines and therefore recommends approval of Conditional Use Permit (CU) zoning for the construction of a sports court at 833 Dewberry Lane, conditioned upon the selection of recommended court surface colors and review of the landscape plan.

Greg Alford, 3021 Brook King Ct, Prosper, TX, applicant, stated that he is building the sports court with the goal to not be obtrusive. He has been working with the HOA committee and staff to make it appealing to the neighborhood. Mr. Alford stated that it will be green in color, will be at the grade surface, so it will actually be set into the ground, will contain no lights, a basketball play area, and will be 27' x 55' in size, which is not a full size tennis court, but the more comparable to the size of a driveway. Mr. Alford stated that the idea is having the play area for the children in the back yard versus the front and will have screening to protect view.

Loren Hsiao, home owner, stated they would like the playground in the back yard for a place for his children to ride bikes, play ball, etc. Mr. Hsiao explained they will have trees and berms for screening, it will have no lights or fencing, and that by having the sports court in the back yard allows the children to play safely. Mr. Hsiao stated that he is trying to work with the neighbors and accommodate everyone as best as possible.

Vice Chairman Hendricks opened the public hearing.

Michael Peay, 915 Foxglove, stated that he is representing the Homeowners Association regarding this sports court and the main issue is the common area. Mr. Peay expressed the HOA's concerns regarding enforcing the upkeep of the landscaping, the view from the common area, and the what if's regarding what new neighbors may do meaning it may set a precedent to the neighborhood.

Thomas Scallion, 802 Dewberry, stated his residence sits on the border of the common area and the sports court would be visible on Tranquility Lane; therefore, he is opposed.

Rick Burg, 714 Bending Oak, stated that he is opposed because it could set a precedent and once built it would be hard to take back. He likes the idea of a "clean" neighborhood.

Greg Fisher, 837 Dewberry, stated his concern is the placement and how it will affect the view from the common area even with the additional trees, and also their property values.

Becky Fisher, 837 Dewberry, stated her concern is the landscaping and how it will be enforced, and questions how the landscaping will be completed within a drought.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioner Powell asked if guidelines were established within the HOA. Mr. Peay responded yes they have and the homeowners had received approval from the HOA architectural committee.

Mr. Schmidt addressed the question by the residents of enforcement. Mr. Schmidt stated that a Site Plan is adopted along with the Conditional Use Permit, which then becomes a legal document that requires town approval and is enforced.

Commissioner Doi asked if there could be conditions set on the CUP if the landscaping dies to require replacement or to indicate proper screening. Mr. Schmidt stated that the commissioners may do this with or without the CUP. Commissioner Doi stated that he would like to see a specific condition with vegetation present at all times to enforce, for applicant to consider screening around the surface of the court to make it more effective when walking on Tranquility Lane, and to have staff work with the applicant on the landscaping and to ensure it is fast-growing evergreens.

Vice Chairman Hendricks re-opened the public hearing.

Becky Fisher, 837 Dewberry, stated that if the homeowner is concerned about the safety of his children, then questions the placement of the sports court and suggested it being closer to the house and not near the retention pond even with a fence.

Vice Chairman Hendricks closed the public hearing and opened any further discussion to the commission members.

Commissioner Powell stated that since the sports court adheres to the town's requirements and guidelines, it is hard not to approve the request from the applicant.

Commissioner Doi stated it is not the commissioner's decision to choose what is safe for the resident's safety, but understands this concern. Commissioner Doi stated that he prefer to see more screening around the court versus using the trees and suggested that turning the court so it is parallel with Tranquility Lane would lessen the obstructed view. Commissioner Doi proposed tabling the item to allow time for the applicant to consider this option.

Commissioner Doi made a motion to table the Conditional Use Permit (CU) zoning for the construction of a sports court at 833 Dewberry Lane allowing the town staff to generate an analysis of the placement of the court parallel to Tranquility Lane to evaluate sight visibility from Tranquility Lane and to adjacent homeowners. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 4. PP2013-02: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.**

Mr. Schmidt stated that the subject property is 5.09± acres in size and currently annexed and zoned Two-Acre Ranch Estate (RE-2). The subject property is not platted; contains no existing structures or other improvements on the property, and currently served by Milligan water system. Mr. Schmidt stated that the applicant and owner, Mr. James Roberts is proposing the Robert's 2nd addition, which will subdivide the property in order to create two lots that fully conform to the RE-2 Zoning District.

Mr. Schmidt stated in review of this plat, staff required the applicant to provide for additional easements for utilities, ingress and egress, and emergency access. Town staff also required the applicant to install a fire hydrant on the common lot line between Lots 1 and 2. The applicant submitted a landscape plan that provides for new plantings on the subject property. The applicant is set to go to the January 16th Park Board meeting to determine parkland conveyance requirements for the subject property. Mr. Schmidt stated staff recommends approval of the Preliminary Plat as submitted.

Commissioner Doi asked if staff knew the species of trees that currently existed on the property. The applicant responded he thinks they are Pecan trees. Commissioner Doi also questions the fire hydrants that would be connected to the 6" line provided by Milligan and the water pressure to support it if there was a

fire. Mr. Schmidt responded that the developer's agreement will need to be established in order to facilitate the development on this property, which will include the future utility infrastructure.

Commissioner's had no other comments and/or concerns.

Commissioner Powell made a motion to approve the Preliminary Plat as submitted. Commissioner Flood seconded that motion and the motion was unanimously approved.

5. **VP2013-01: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase I subdivision that is generally located at the southwest corner of Hart Road and Country Club Road.**

Mr. Schmidt stated that the applicant is requesting to vacate this plat in order to allow for the review of a zoning change and Preliminary Plat application for the entirety of the property. Once the Vacating Plat is executed by the town and recorded by Collin County, the vacated plat has no effect.

Commissioner Powell made a motion to approve the Vacating Plat for the Fairview Ranch Estates – Phase I subdivision. Commissioner Doi seconded that motion and the motion was unanimously approved.

6. **VP2013-02: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase II subdivision that is generally located west of Country Club Road and 625 feet south of Hart Road.**

Mr. Schmidt stated that the Final Plat for Fairview Ranch Estates, Phase II was approved by council at the October 9, 2012 meeting. The applicant is requesting to vacate this plat in order to allow for the review of a zoning change and preliminary plat application for the entirety of the property. Once the Vacating Plat is executed by the town and recorded by Collin County, the vacated plat has no effect.

Commissioner Flood made a motion to approve the Vacating Plat for the Fairview Ranch Estates – Phase II subdivision. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. ZA2013-03: Conduct a public hearing, consider, and take any necessary action on a request to change the zoning boundaries of a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-acre Ranch Estate (RE-1) and One-and One Half-acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.**

Mr. Schmidt stated that this subject property is annexed and consists of 16.835 acres with the property being primarily zoned One-Acre Ranch Estate (RE-1) and approximately 4.7 acres zoned One-and-one-half-acre Ranch Estate (RE-1.5). Mr. Schmidt stated that town staff conducted a review of the zoning change application. The applicant has made an effort to conform to the existing zoning on the property by shifting the zoning boundaries in order to allow for portions of the property to remain zoned RE-1.5. Mr. Schmidt stated while town staff appreciates this consideration, staff feels it would be appropriate for the entire subdivision to be zoned RE-1 or Planned Center (PC) to provide a uniform zoning classification.

Mr. Schmidt stated that town staff recommends approval of one of the following zoning changes: approve One-acre Ranch Estate (RE-1) for the entire subject property; approve Planned Center (PC) zoning for the entire subject property; or approve the zoning exhibit as submitted.

Vice Chairman Hendricks opened the public hearing.

Robert Michael Cloud, 1180 Kensington, stated he is in support, but concerned of the possible increase in traffic.

Lonnie Duncan, 760 Country Club, asked how many lots there would be. Mr. Schmidt replied there are 14 proposed lots.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioner Doi asked town staff how to assure the preservation of the trees. Mr. Schmidt stated that the Planned Center (PC) zoning will allow for the preservation of trees since it gives them flexibility in determining where to place the structures on the lot(s).

Commissioner Doi made a motion to approve a Planned Center (PC) zoning for the subject property. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 8. PP2013-01: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-acre Ranch Estate (RE-1) and One-and One Half-acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.**

Mr. Schmidt stated that the proposed subject property is 16.835 acres and contains phase one and two of the Fairview Ranch Estates subdivision. The vacating plats the commissioner's approved in the previous agenda items will allow the applicant to request for approval of the submitted Preliminary Plat, which provides for 14 single-family residential lots. Mr. Schmidt stated that the proposed development will provide for two additional public streets and two additional 8" water mains. The applicant has agreed to provide additional landscaping and will be submitting a tree survey during the Final Plat review process. Mr. Schmidt stated in the two previously approved subdivisions, the town accepted cash in lieu of land for the parkland dedication requirement. The staff will recommend that the applicant contributes for the additional lots proposed in order to fully account for the development. Mr. Schmidt stated the town staff recommends approval of the Preliminary Plat as submitted.

Commissioner Doi inquired about the right-of-way dedication and plans for Hart Road. Mr. Chancellor responded that the town recently resurfaced the road while the town waits for future development until any further plans are finished.

Commissioner Powell noted the likeness of having the two entry ways and Commissioner Flood commented that lot 2 will face and have access to Hart Road.

Commissioner Powell made a motion to approve the Preliminary Plat for the Fairview Ranch Estates addition as submitted. Commissioner Flood seconded that motion and the motion was unanimously approved.

9. **ZA2013-06: Conduct a public hearing, consider, and take any necessary action on a request for rezoning to the Planned Center (PC) zone for a tract of land that is approximately 33.28 acres, zoned Two-acre Ranch Estate (RE-2) and is generally located south of Stacy Road and 200 feet west of Orr Road.**

Mr. Schmidt introduced this item stating that the subject property located at 1846 Stacy Road consists of 33.28± acres and is annexed and zoned Two-Acre Ranch Estate (RE-2), but not platted. Mr. Schmidt stated at the December meeting, the commissioners approved a Preliminary Plat that conformed to the RE-2 zoning district and the town's subdivision regulations. However, the commission had expressed the importance of tree preservation since the approved plat did not adhere to the zoning district requirements. The applicant decided to submit a development plan that provided for enhancement of the trees.

Mr. Schmidt indicated that upon submission of this new plat, the applicant strived to adhere to the components of the draft version of the Average Density Zoning Policy. The plat conforms to the RE-2 zoning district and subdivision regulations, while having varied lot sizes. The minimum lot size would be 1.52 acres and the maximum would be 3.47 acres making the average lot size 2.01 acres. Mr. Schmidt stated upon reviewing of this application, town staff made a few revisions to the utility and landscape plan to account for minor changes to the placement of fire hydrants and proposed plantings. The landscape plan will be further evaluated following the completion of a tree survey. Mr. Schmidt stated that the town staff recommends approval of this Planned Center (PC) Development Plan for the Rolling Hills of Fairview as submitted.

Vice Chairman Hendricks opened the public hearing.

Wyatt Morecai, 1721 Stacy Road, asked what the recommendation was from the Parks and Recreation Board. Mr. Schmidt replied that the applicant will appear before the Parks and Recreation Board at the January 16th meeting to determine park dedication requirements.

Jim Rushing, 421 Varnum Way, asked if they would be keeping the pond previously proposed. Mr. Schmidt replied that the pond was eliminated and will be filled. Mr. Rushing asked how they will address the drainage. Mr. Schmidt stated during the platting process they will be able to address any drainage issues at that time.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioner Doi asked the town staff if has been any plan consideration regarding drainage since the pond was being eliminated and how they will address buffering, especially to lots one and fifteen once the right-of-way dedication is acquired. Mr. Chancellor responded that the subdivision will have at least a culvert or open swell drainage easement between lots four and five. Mr.

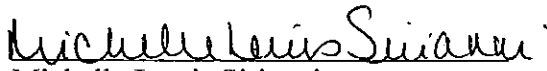
Chancellor added the roads will remain rural “open ditch” and they will try to save trees the best they can when acquiring the right-of-way. The road currently needs work and will continue to make improvements as development occurs. Commissioner Doi stated that he preferred to see a replacement buffer established now. Vice Chairman Hendricks questioned the enforceability of determining the replacement now.

Commissioner Doi made a motion to approve the Planned Center (PC) Development Plan for the Rolling Hills of Fairview as submitted conditioned upon that plantings are extended on the west side to Rolling Hills with the staff and applicant agreeing to plant along the right-of-way on the east side of Stacy Road. Commissioner Powell seconded that motion and the motion was unanimously approved.

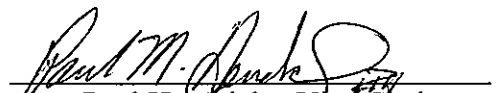
10. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 9:35 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Paul Hendricks, Vice Chairman
Planning and Zoning Commission

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 14, 2013**

Chairman Campbell called the meeting to order at 7:01 p.m. Commission members present were Pat Friend, Renee Powell, and Paul Hendricks. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; and Town Secretary, Michelle Lewis Sirianni. Commissioners Ricardo Doi, Brad Northcutt, and Debbie Flood were absent.

1. Consider and take action regarding the minutes of the January 10, 2013 Planning and Zoning Commission meeting.

Commissioner Powell stated that she called in corrections prior to the meeting.

Commissioner Powell made a motion to approve the minutes of the January 10, 2013 Planning and Zoning Commission meeting as amended. Commissioner Friend seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, being Lot 21 of the Blue Grass Farms subdivision. (ZA2013-04)

Mr. Schmidt stated that the subject property currently contains a single-family residence. The applicant is requesting to build a metal barn on the property along with three variation requests. Those requests include an encroachment into the required 40' setback from the property lines, which was denied by the Zoning Board of Adjustment (ZBA) at their February, 2013 meeting; exceeding the 1,800 sq. ft. requirement, which is part of the CUP zoning application; and, to provide a roof form where the roof pitch does not match the roof pitch of the primary structure, which is also part of the CUP zoning application.

Mr. Schmidt stated with the decision by the ZBA, the applicant must provide for a building location that conforms to the accessory building setbacks for the subject property. The applicant is taking action to do just that, however he would still like to pursue CUP zoning for the size and roof pitch variations. Mr. Schmidt stated due to the timing of the ZBA ruling and the submittal for the commission

meeting, the applicant's Site Plan does not reflect the new building location. Town staff requests that the commission review the plan and allow the applicant to work with staff regarding the addition to more details to existing structures and the possible addition of landscaping. Mr. Schmidt stated that upon notification, he received several statements of opposition, with those coming from the Heritage Ranch subdivision. Mr. Schmidt stated that town staff recommends approval of a Conditional Use Permit for the installation of an accessory structure with a reduced roof pitch, and provide feedback and/or recommendations concerning the Site Plan.

Chairman Campbell opened the public hearing.

Larry Sewell, 916 Scenic Ranch asked if there would be another review of the Site Plan so that the public would have knowledge of the approved site location of the building, and when would they find out. Mr. Schmidt stated that the plan will go before the Town Council on March 5th for final approval.

Cathryn Thornton, 926 Scenic Ranch, stated that the area is not heavily screened and has large gaps where the houses that back up to the subject property can view the property and it would not screen the proposed building from these residents.

Chairman Campbell closed the public hearing and opened discussion to commission members.

Commissioner Hendricks asked how many trees it would take to screen the building. Mr. Schmidt responded that 5-6 +/- would be sufficient.

Mike Schepers, 530 Kentucky, property owner and applicant, stated that he is trying to locate the building in the best spot, which if it faces towards Kentucky and can meet roof pitch and size, than he can avoid affecting neighbors. However, turning the building to face another direction would make it more visible to adjacent neighbors.

Commissioner Friend stated that if the applicant conforms to setbacks and by right can build 1800 sq. ft. building, what the difference in the roof pitch is.

Commissioner Hendricks stated that if the applicant abides by setbacks and has proper screening, is there a way to build the 2100 sq. ft. building. Commissioner Hendricks is okay with the roof pitch and would like the applicant to be able to build the building, but with the numerous constraints, he'd like to see a new plan

showing location of the building, landscaping, etc. Therefore, suggests tabling the item.

Commissioner Friend stated that he agrees with Commissioner Hendricks and would request that the roof pitch be reduced as well as abiding by the setbacks.

Commissioner Hendricks made a motion to table to date certain of March 14, 2013, a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, to address the size of the structure and landscape plan. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 833 Dewberry Lane, being Lot 3, Block B of the Tranquility Farms subdivision. (ZA2013-02)**

Mr. Schmidt stated that Mr. Greg Alford of Alford Homes is applying on behalf of the property owner to construct a sports court that is 27'x55'. The court surface will be done in earth tones along with a basketball hoop on the south side. Mr. Schmidt stated that the request conforms to the town's impervious surface requirements for the RE-1 zoning district. At the request of the commission, the applicant has done a line-of-sight analysis in order to further evaluate the type and height of the landscaping that would be required to screen the court from adjacent properties. Mr. Schmidt stated that the request conforms to all guidelines and recommends approval as submitted.

Greg Alford, Alford Custom Homes, gave a presentation to the commission members highlighting the planned landscaping to provide for screening of the sports court as well as adhering to all the town's requirements including the impervious surface percentage. Mr. Alford stated that they have received various letters of support from neighbors and respectfully request approval.

Chairman Campbell opened the public hearing.

Mike Peay, 915 Foxglove, stated that he is representing the subdivisions HOA and out of 26 people; 17 oppose, three are neutral, three are in support, and three did not respond. Mr. Peay stated that LandPlan approved the plan by Mr. Alford, but the HOA remain strongly opposed. They feel that it will not have adequate landscaping from the view of the pond, would prefer a removable basketball hoop, and request that if any of the landscaping dies that the town require the homeowner to replace it.

Loren Hsiao, 833 Dewberry, applicant and homeowner, stated that he specifically asked ahead of time what is permissible to build. It is the goal of their family to have togetherness, while providing safety to their children. Mr. Hsiao stated that they spoke to many of their neighbors and thought they had their support for their request to build a sports court. Mr. Hsiao stated it is small in comparison to a full size court and have approval of town staff by complying with all the town requirements. Mr. Hsiao respectfully requested approval from the commission.

Chairman Campbell closed the public hearing and opened discussion to commission members.

Commissioner Hendricks asked if the homeowners can build it by right and if it conforms to all requirements. Mr. Schmidt responded that it requires a Conditional Use Permit, but the homeowners have conformed to all the requirements including the setbacks.

Commissioner Powell stated it's hard to deny the request since it conforms to all town guidelines. Commissioner Hendricks agreed.

Commissioner Powell made a motion to approve a Conditional Use Permit for the construction of a sports court at 833 Dewberry Lane conditioned upon modification to the landscape plan with town staff review and approval. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 4. Conduct a public hearing, consider, and take any necessary action on a request for rezoning to the One-and One Half-acre Ranch Estate (RE-1.5) zone for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zoned Three-acre Ranch Estate (RE-3) and is generally located at the southeast corner of Stoddard Road and Country Club Road. (ZA2013-05)**

Mr. Schmidt stated that the subject property contains one single-family residence and various accessory structures at the rear of the property. There is also a small pond and is currently zoned Three-Acre Ranch Estate (RE-3). The applicant, Mr. Bruce Kelly, is requesting a zoning change to One-and-One-Half-Acre Ranch Estate (RE-1.5) for a 6.256± portion of the property. The applicant would like to develop four single-family lots that would front Stoddard Road.

Mr. Schmidt stated that the majority of the adjacent properties are zoned or have been developed in a manner that is not consistent with current zoning prescribed for the applicant's property. However, there are no conditions on the property that would prevent the applicant from conforming to the zoning district. Mr. Schmidt stated that town staff is requesting the commission to evaluate and provide feedback in order to recommend a course of action to the Town Council.

Bruce Kelly, property owner stated that he has owned the property for 14 years and even requested a voluntary annexation and zoning of his property. Mr. Kelly stated that he feels that his current zoning is inconsistent with surrounding development and therefore, it is hindering his property as it currently exists and it is why he is requesting a zoning change. Mr. Kelly also expressed his concern for the value of his property and the economic impact it could have.

Chairman Campbell opened the public hearing. No comments were made.

Chairman Campbell closed the public hearing and opened discussion to commission members.

Commissioner Friend stated he has no strong feeling either way on this request, but feels that the commission's decision will set precedence for any possible future requests.

Commissioner Powell stated that she doesn't like to increase density, but understands it may be appropriate for this property location. Commissioner Powell asked the applicant if rezoning to Two-Acre Ranch Estate would be an option. Mr. Kelly responded that he preferred RE-1.5 with four lots.

Commissioner Hendricks stated that he recommends adhering to the town's Future Land Use Plan (FLUP) and asked if the applicant would agree to have his lots average two acres. Mr. Kelly responded no.

Commissioner Friend agreed that they should follow the FLUP.

Chairman Campbell asked the applicant how the voluntary annexation came about and if he was given options on the zoning recommendation. Mr. Kelly responded that all other surrounding property at that time was zoned RE-3 or not zoned at all and he added he would be okay with having an average lot size of two acres.

Commissioner Friend stated that he is not in favor of the RE-1.5 zoning and would ask for a plan conforming to RE-2 or greater.

Commissioner Powell stated that she would like input from the Town Council. She stated that she would hate to lose the large lots, but his plan does conform to the surrounding area.

Commissioner Hendricks made a motion to deny without prejudice a request for a rezoning to the One-and One Half-acre Ranch Estate (RE-1.5) zone for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zoned Three-acre Ranch Estate (RE-3). Commissioner Friend seconded that motion and the motion was unanimously approved.

- 5. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road. (FP2013-02)**

Mr. Schmidt stated that the subject property is currently zoned Two-Acre Ranch Estate (RE-2). The subject property is currently not platted and contains no existing structures with very limited vegetation. Mr. Schmidt stated that a developer's agreement will be needed on this property due to the water system not meeting fire demand flow rate requirements and to establish an emergency access drive. The applicant has acknowledged the emergency services and water utility provision issues that exist on the property. The Parks Advisory Board recommended cash in lieu of land in order to fulfill parkland dedication requirements. Mr. Schmidt stated that town staff recommends approval with a condition that a developers agreement is established between the town and the applicant.

Commissioner Hendricks asked if the town attorney had reviewed the agreement. Mr. Schmidt responded that the town attorney will be reviewing the developer's agreement and it will be similar to the Dos Casas subdivision that was most recently done.

Commissioner Friend made a motion to approve the Final Plat for the Roberts Second Addition conditioned upon the establishment of a developer's agreement between the town and the applicant. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 6. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned Planned Center (PC), and is generally located at the southwest corner of Hart Road and Country Club Road. (FP2013-03)**

Mr. Schmidt stated that this subject property consists of 16.835 acres in size and was zoned Planned Center (PC) at the last council meeting. In recent months, the applicant obtained approval for Phase I and Phase II of the Fairview Ranch Estates subdivision that were contained within this property. The applicant was able to purchase the portion of land that was located between these two subdivisions. The applicant has vacated those plats in order to allow for the review of this Final Plat creating one subdivision comprised of 14 lots and two common area lots.

The proposed development will provide for two additional public streets and will also link the water main system. The applicant also provided a tree removal plan that identifies existing trees that would have to be removed due to the proposed development. The intent is to preserve as many trees as possible, but due to the extensive vegetation on a few lots, it will require the applicant to remove a few. Mr. Schmidt stated that the applicant has also submitted a sign plan for two monument signs, which conform to the town's sign regulations, but do not provide for any landscaping.

Chairman Campbell opened discussion to commission members.

Chairman Campbell stated that he would like to see a little something around the sign. Mr. Bryon Reid, applicant, stated that they were trying to avoid having the homeowners from paying dues for upkeep, but open to using hardscape.

Commissioner Friend made a motion to approve the Final Plat conditioned upon additional staff review of the sign plan. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. Discuss, consider, and take any necessary action on an amendment to Chapter 14 (Zoning), Article 14.02, Division 11 (Planned Center Zone), in order to establish additional requirements and guidelines for Planned Center (PC) zoning requests. (ZA2013-07)**

Mr. Schmidt stated that the commission as well as Town Council have both reviewed and provided input for this draft policy. Town staff has modified to incorporate for all input and has drafted an ordinance that would incorporate this policy into the Planned Center zoning district. Mr. Schmidt recommended approving as submitted.

Commissioner Powell made a motion to approve an ordinance to amend the Planned Center (PC) zoning district in order to establish the town's Average Density (AD) development policy. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

- 8. Discuss, consider, and take any necessary action on an amendment to Chapter 14 (Zoning), Article 14.02, Division 13 (Planned Development Zone), in order to establish additional requirements and guidelines for Planned Development (PD) zoning requests. (ZA2013-08)**

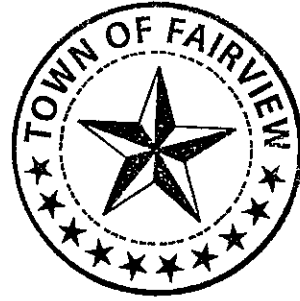
Mr. Schmidt stated that same comments apply as previous item except that this drafted ordinance is for the Planned Development (PD) zoning district. Mr. Schmidt added that within this district there is a minimum area requirement that ranges from 250 to 500 acres. As a result, new PD districts are unlikely to occur.

Commissioner Friend made a motion to approve an ordinance to amend the Planned Development (PD) zoning district in order to establish the town's Average Density (AD) development policy. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 9. Adjourn.**

Chairman Campbell adjourned the meeting at 9:38 p.m.

Respectfully submitted,



Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary

Paul M. H. Sir
Brayton Campbell, Chairman
Planning and Zoning Commission

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MARCH 14, 2013**

Vice Chairman Hendricks called the meeting to order at 7:01 p.m. Commission members present were Pat Friend, Ricardo Doi, Paul Hendricks, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; and Town Secretary, Michelle Lewis Sirianni. Commissioners Renee Powell, Brad Northcutt, and Brayton Campbell were absent.

1. Consider and take action regarding the minutes of the February 14, 2013 Planning and Zoning Commission meeting.

Commissioner Doi stated that he called in corrections prior to the meeting.

Commissioner Doi made a motion to approve the minutes of the February 14, 2013 Planning and Zoning Commission meeting as amended. Commissioner Friend seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request for approval of an amendment to the Conditional Use Permit (CU) Zoning District in order to allow for an off-road vehicle track on a property that is zoned Open Space and Flood Hazard (FH) and is part of a 44.069-acre tract of land that is generally located east of Country Club Road and south of the Montecito Estates subdivision. (ZA2013-09)

Mr. Schmidt stated that the subject property is adjacent to Sloan Creek and the majority of the property falls within the FEMA 100-year floodplain, and is zoned Open Space and Flood Hazard. The applicant, Mr. McLeod is applying on behalf of the property owner. Mr. Schmidt stated that the application for the zoning change serves as a request to provide for an amendment to the CU Zoning district in order to add an “off-road vehicle track” to the permitted use chart within the CU zoning district; and requesting CU zoning in order to allow for the construction of an off-road vehicle track on the property. Mr. Schmidt stated that the proposed off-road vehicle track is 7.33 acres in size and is located completely within the FEMA 100-year floodplain. The track provides for a significant amount of terrain features and jumps that will require excavation, and has requested that the applicant amend their plans to reduce disturbance of the

floodplain. Town staff strongly recommends placing conditions of use in the adopted zoning ordinance including number of vehicles that could occupy the track at any given time; days and hours of operation; lighting restrictions; and, noise restrictions.

Mr. Schmidt stated that the town has received a significant amount of negative feedback concerning the zoning change request. The use is not a permitted use in any of the zoning districts on the subject property and the property is surrounded by properties with existing and future residential land uses. Town Staff is also concerned with the floodplain, which is an environmentally sensitive area and the grading required to build the track will substantially disturb that area. Mr. Schmidt stated the town staff recommends denial with prejudice for an application to amend the Conditional Use Permit in order to allow for an off-road vehicle track to be listed as a permitted conditional use and to be constructed on the subject property.

Mac McCloud, 905 Rush Creek, Allen, TX, stated that the request for the track is in order to test drive their trucks. The truck itself is not a street legal or racing truck. Mr. McCloud stated the track will be used to drive their trucks around and test them out. They are not trying to be a nuisance. Mr. McCloud stated that the track can be something beautiful aesthetically and are willing to work with the town to make everyone happy.

Vice Chairman Hendricks opened the public hearing.

Clayton Barnes, 305 Wrangler Drive, stated as a representative of the Heritage Ranch HOA Board, the residents within Heritage Ranch are opposed to the request and feel that it will have a negative effect on the quality of life at Heritage Ranch.

Lawrence Link, 918 Sycamore Court, expressed his concerns of the zoning compatibility on this property, the potential noise of the track, and the possible future selling of the land. Mr. Link stated that he strongly recommends denial with prejudice.

Trent Ballew, 531 Kentucky, stated that his concern would be the future probability of the land, the floodplain and possible flooding and problems that could arise with any build up. Mr. Ballew stated that he is opposed to the request.

Jeff Kirkpatrick, 541 Kentucky, stated that his concern is that with this request, the zoning could be changed at a later date. Mr. Kirkpatrick stated he is opposed to the request.

Joe Feagin, 577 Country Club, stated he is opposed to the request due to the noise pollution and possible drug and alcohol abuse.

Mark Jenkins, 230 Horseshoe Bend, stated he is the brother of the land owner and the intended use is to have a track where they can test and ride their trucks. The vehicles are not high powered and the noise will be muffled. They will build something that will be professionally done. Mr. Jenkins stated that they are willing to put money into the flood plain, as well as limiting hours of use in order to be a good neighbor.

Jim Brown, 423 Sloan Creek, stated that muffled trucks are still noisy and is opposed to the request.

Jim Reagan, 923 Sycamore Court, stated that he feels that property values will be affected and is opposed also due to noise and traffic it could bring.

Annette McGhee, 520 Homeplace, stated that she recognizes the owners right, but cannot do everything as pleased; therefore, is in opposition to the request.

Kirk Johnson, 510 Country Club, stated that he likes the peacefulness of Fairview; therefore, is opposed to the request.

Kathy Alexander, 906 Medinah Drive, stated that she feels that if approved it will have long term implications and will set a precedence for future requests.

Mel Tolle, 1300 Farmstead, stated that he feels that it will bring a lot of noise into a residential area.

Anne Casey, 1221 Camino Real, stated that there have already been many complaints' made to the police regarding this property and would be opposed to the request.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioner Friend stated that the request is not compatible with the town's requirements and would support staff's recommendation.

Commissioner Doi asked what the difference would be between one of their trucks and a regular vehicle on the road in regards to the noise factor. Commissioner Doi commented that he would have an issue with the noise unless there's a way to quantify and doesn't feel the dust would be a problem, but has reservations against building in a Flood Hazard Zone.

Commissioner Flood stated that she would also be against building within the Flood Hazard zone and noise issues.

Commissioner Friend made a motion to deny with prejudice an application to amend the Conditional Use Permit zoning district, in order to allow for an off-road vehicle track to be listed as a permitted conditional use and to be constructed on the subject property. Commissioner Flood seconded that motion and the motion was unanimously approved.

3. Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, being Lot 21 of the Blue Grass Farms subdivision. (ZA2013-04)

Mr. Schmidt stated that the applicant, Mr. Schepers has requested three variations in order to construct the proposed accessory building. The variations include an encroachment into the required 40' setback from all property lines, which was denied by the town's Zoning Board of Adjustments; exceeding the 1,800 square foot requirement for accessory building footprint size; and, providing a roof form where the pitch of the roof does not match the roof pitch of the primary structure. Based on the commissioner's comments from the previous meeting, the applicant has depicted a new location of the proposed structure on the submitted Site Plan.

Mr. Schmidt stated that staff has reviewed the applicant's submittal and would prefer that the structure be reoriented to face the west. Staff feels that the applicant would be able to pull the vehicle in and out easily and it would be less obtrusive. The staff would also like the applicant to prepare a landscape and irrigation plan, which would help with additional screening.

Mr. Schmidt stated that staff recommends approval of a Conditional Use Permit for the installation of an accessory structure with a reduced roof pitch and 2,100 square foot building foot print, conditioned upon the submittal of a landscape plan and the rotation of the structure to allow for the entrances to face the west.

Mr. Schepers, applicant and property owner, stated that he has met the required setbacks and would like to request a different roof pitch as the primary residence, and has oriented the structure entrance to face north. Mr. Schepers stated that he has conformed to the town's requirements and feels like he is being reasonable with his request(s).

Commissioner Friend stated that he talked with several residents that would be immediately affected and they were agreeable to the 2,100 square foot structure oriented with a straight-in drive. Commissioner Friend pointed out that keeping the structure far north on the property would provide for the most screening with the berm at its highest as opposed to the south end of the property.

Vice Chairman Hendricks opened the public hearing.

Larry Sewell, 916 Scenic Ranch Circle, asked if additional trees and/or berms are an option.

Trent Ballew, 531 Kentucky, stated that in his opinion the lower pitch roof would be less of an eye sore and has no problem with the size of the structure requested.

Chadd Jones, 521 Kentucky, stated that he supports the applicant's request.

Trent Alderson, 560 Kentucky, stated that he prefers the applicant's submittal with the larger square feet and lower pitch roof; therefore supports request.

Ursula Johnston, 924 Scenic Ranch Circle, stated that many of the trees along the berm have died, so if any lights are installed, will have an impact from her back porch view.

Jeff Kirkpatrick, 541 Kentucky, stated that he also has no issue with the size of the structure or the lower pitch roof due to it being similar to other buildings in the area.

Don Johnston, 924 Scenic Ranch Circle, stated the he prefers the applicants plan.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioner Friend stated that in his opinion the least objective location is to place the structure as far north as possible with a drive-in entrance and placing trees along the berm for additional screening.

The commissioner's discussed the building sizes of 1800 square feet versus 2100 square feet, as well as the two different proposed roof pitches, and if any additional landscaping should be required. The commission also discussed the placement of the structure and which direction the entrance would be facing based on the applicant's initial request and Site Plan that was submitted for approval.

Commissioner Flood made a motion to approve a Conditional Use Permit for the installation of an accessory structure with a reduced roof pitch and 1800 square foot building foot print, with no additional landscaping required. Commissioner Doi seconded that motion and the motion was unanimously approved.

4. Consider, discuss, and take any necessary action on a request for approval of a minor amendment to a Development Plan for a 33.28-acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road. (ZA2013-10)

Mr. Schmidt stated that the minor amendment doesn't require a public hearing since the changes retain the intended character of the development and have no impact on the density requirements of the subdivision. The purpose of this amendment is to modify the development plan to reflect changes to the applicant's parkland dedication to the town and to establish an additional common area lot between Lots 7 and 8. The applicant will construct a trail and install landscaping that will be owned and maintained by the subdivision's HOA and will be dedicating a lot to the town in order to allow for the future extension of the town's trail system. Mr. Schmidt recommended approval as submitted.

Commissioner Doi asked if the easement between Lot 7 and 8 would be grass. Mr. Schmidt responded that it will be either concrete or decomposed crushed granite with crepe myrtles.

Commissioner Doi made a motion to approve a minor amendment to the Development Plan for the Rolling Hills of Fairview Addition. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 5. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 33.28-acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road. (FP2013-04)**

Mr. Schmidt stated that with this Final Plat submittal, the addition will provide for two additional public streets and dedication of right-of-way within and adjacent to Stacy Road. The applicant is also proposing to extend a 12” water main that would link this subdivision to Thompson Springs subdivision. Mr. Schmidt stated that the town staff recommends approval conditioned upon the establishment of a developer’s agreement for the offsite utilities.

Commissioner Doi made a motion to approve the Final Plat for the Rolling Hills of Fairview conditioned upon the establishment of a developer’s agreement. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 6. Consider, discuss and take any necessary action on a request for approval of a Temporary Use Permit application for the storage of landscaping materials on a 33.28-acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road. (TUP2013-01)**

Mr. Schmidt stated that Mr. Reid of M. Christopher Custom Homes is requesting a Temporary Use Permit in order to allow for the storage of landscape materials that will be used in the construction of Fairview Ranch Estates. The permit will be for a period of three months and if approved would expire on June 17, 2013.

Commissioner Doi made a motion to approve a Temporary Use Permit for the storage of landscaping materials on the subject property for a period of three months. Commissioner Flood seconded that motion and the motion was unanimously approved.

7. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 9:38 p.m.

Respectfully submitted,



Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Paul Hendricks
Paul Hendricks, Vice Chairman
Planning and Zoning Commission

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, APRIL 11, 2013**

Vice Chairman Hendricks called the meeting to order at 7:02 p.m. Commission members present were Paul Hendricks, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt, and Town Secretary, Michelle Lewis Sirianni. Commissioners Pat Friend and Ricardo Doi were absent.

1. Consider and take action regarding the minutes of the March 14, 2013 Planning and Zoning Commission meeting.

Commissioner Powell made a motion to approve the minutes of the March 14, 2013 Planning and Zoning Commission meeting. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the impervious surface and lot coverage requirements for One Acre (RE-1), One and One Half Acre (RE-1.5), Two Acre (RE-2), and Three Acre (RE-3) Ranch Estate Zones.

Mr. Schmidt stated that the town has established the maximum coverage of impervious surfaces to be 25%, however the zoning ordinance does not formerly define impervious surface. As a result, many lower-density residential developments have developed in an inconsistent manner with nearly half of the town's existing development not conforming to the impervious surface requirements. Mr. Schmidt stated that the town's graduate engineer, Danielle Gregory, recently conducted a brief assessment of the town's existing development within the RE-1 zoning district. She sampled various lots and estimated that as much as 44% of the town's residential lots within the RE-1 zoning district are either illegal uses or legal nonconforming uses. Mr. Schmidt stated that the development community feels the towns has stricter regulations compared to similar communities. The town currently includes all pavements, pools, and structures, while other cities only include structures. Mr. Schmidt stated that the town staff has provided and recommends approval of the proposed

ordinance redefining impervious surface and lot coverage requirements that would provide maximum lot coverage requirements for each zoning district as follows:

- One Acre (RE-1): 45%
- One and One Half Acre (RE-1.5): 45%
- Two Acre (RE-2): 40%
- Three Acre (RE-3): 35%

Commissioner Flood asked how many houses were surveyed. Mr. Schmidt replied that samples from each subdivision were taken. Commissioner Flood expressed concern of losing trees if they increase the percentage.

Commissioner Powell asked of the houses that are over, how far over percentage wise are they. Mr. Schmidt replied that many lots approach 45%, but the Conditional Use Permit regulates accessory buildings.

Vice Chairman Hendricks opened the public hearing.

Tom Flood, 431 Forest Oaks stated that his concern is of increasing the square footage of concrete within an RE-1 zoning district.

No further comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to the commission.

Commissioner Powell commented that she feels better knowing the town has the Conditional Use Permits to help regulate accessory buildings.

Commissioner Northcutt stated his concern is increasing the percentage especially within the One Acre Districts. Commissioner Northcutt also asked if they should get a risk clarification from the town attorney regarding the amendments.

Commissioner Flood stated that she would like to see specific numbers in regards to the survey taken.

Vice Chairman Hendricks stated that he would like to see more evaluations down throughout the town with a desire to be uniform across town to ensure legal conforming uses. Therefore, suggested tabling the item to allow the commission to receive additional information.

Commissioner Northcutt made a motion to table an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the impervious surface and lot coverage requirements for One Acre (RE-1), One and One Half Acre (RE-1.5), Two Acre (RE-2), and Three Acre (RE-3) Ranch Estate Zones to the May 9, 2013 commission meeting and requesting the town staff to reevaluate additional homes and details along with percentages for consideration based on these findings. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to reduce the five year expiration to three years for the preliminary plan in the Planned Center Zone and the concept plans in the Planned Development and Commercial Planned Development District Zones.**

Mr. Schmidt stated that in 2008, the town amended the expiration timeframe on Concept Plans from twelve to five years. Town staff believes it would be appropriate to re-examine the concept expiration timeframe and consider changing from five to three years due to the increasing development and the economy starting to recover. Mr. Schmidt stated the concept plans already approved will keep their current expiration timeframe since they have vested rights to that plan, but all newly approved plans would go forward with the three year if approved. Mr. Schmidt stated that town staff recommends approval of an amendment reducing the Concept Plan and Preliminary Plan expiration timeframe from five years to three.

Commissioner Northcutt asked if by changing the expiration timeframe would encourage development opposed to giving developers time to get everything in order. Mr. Schmidt replied that existing approved plans that are no longer suitable for that particular area will be changed to be more appropriate.

Vice Chairman Hendricks opened the public hearing. No comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to commission members. No additional comments were made.

Commissioner Northcutt made a motion to approve the amendment to the Commercial Planned Development District (CPDD), Planned Center (PC), and Planned Development (PD) Zoning Districts in order to reduce the Concept Plan and Preliminary Plan expiration timeframe from five years to three. Commissioner Flood seconded that motion and the motion was unanimously approved.

4. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 7:39 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary



Paul Hendricks
Paul Hendricks, Vice Chairman
Planning and Zoning Commission

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MAY 9, 2013**

Vice Chairman Hendricks called the meeting to order at 7:00 p.m. Commission members present were Paul Hendricks, Pat Friend, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Management Intern, Tyler Brewer; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni. Commissioner Ricardo Doi was absent.

1. Consider and take action regarding the minutes of the April 11, 2013 Planning and Zoning Commission meeting.

Commissioner Powell noted a grammatical correction on page three of the minutes.

Commissioner Northcutt made a motion to approve the minutes as amended of the April 11, 2013 Planning and Zoning Commission meeting. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 111 Summer Hill Lane, being Block 3, Lot 21 of the Summer Hill Farms subdivision.

Mr. Brewer stated that the subject property is 1.8 acres in size and zoned to the One-Acre Ranch Estate (RE-1). The subject property currently contains one single-family residence with a swimming pool and a detached garage. The property owners, Mr. and Mrs. Edward Karona currently have a 1,622 SF garage accessory building that was installed prior to the town adopting stricter regulations for accessory structures, which is considered a legal non-conforming use. The applicants are requesting to build a 15' x 15' patio structure. The additional 225 SF structure will bring the total square footage to 1,847. With the proposed improvement, the total lot coverage is 11.8% and well below the maximum 25% maximum surface requirement. Mr. Brewer stated the applicant's request is consistent with others within their neighborhood; therefore, staff recommends approval.

Commissioner Northcutt asked if it had attached decking.

Jennifer Korona, owner and applicant, stated that they will be using flagstones as the walkway in between the concrete and across the front.

Vice Chairman Hendricks opened the public hearing. No comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to commission members. No additional comments were made.

Commissioner Powell made a motion to approve the Conditional Use Permit (CU) zoning for the installation of a patio structure at 111 Summer Hill Lane. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

3. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the definitions, the principle permitted uses of the One-Acre Ranch Estate Zone (RE-1), One-and-One-Half Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.

Mr. Schmidt stated that currently 25% is the maximum impervious surface lot requirement. Mr. Schmidt stated with the commission requesting additional information, town staff did additional research on subdivisions with streets without dedicated right-of-way, as well as comparisons to other municipalities. Staff's findings were that there were more than a few lots that exceeded 40% lot coverage and the vast majority of other cities only restrict lot coverage based on vertical structures such as homes and outbuildings, while Fairview includes buildings, paving, and pools in the impervious surface assessment. As a result, staff further defined lot coverage and impervious surface, while also providing maximum lot coverage requirements as follows on each zoning district:

- One-Acre (RE-1): 35%
- One-and-One-Half –Acre (RE-1.5): 30%
- Two-Acre (RE-2): 25%
- Three-Acre (RE-3): 25%

Mr. Schmidt stated that while examining the traditional zoning districts, staff would also like to address the following issues:

1. Amend the One-Acre Ranch Estate (RE-1) Zone in order to make crop and tree farming an accessory use.
2. Remove the statement referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.
3. Account for lot widths on lots that front cul de sacs in the RE-1.5 district.
4. Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.

Mr. Schmidt stated that staff recommends approval of the amendment to the zoning ordinance in order to amend the definitions section in order to define impervious surface and lot coverage, to amend lot coverage requirements as listed above for the zoning district(s), and to amend the additional four items as listed above.

Commissioner Flood asked if the percentage should go over, would the homeowner be able to seek a variance. Mr. Schmidt replied yes they will.

Commissioner Rushing questioned what is causing the limit. He commented that the town is typically a proponent of open space, thereby enforcing the lot coverage requirements.

Vice Chairman Hendricks opened the public hearing.

Brandon Bush, 834 Dewberry, stated he has a one-story residence and would like to eventually put in a pool. Mr. Bush asked if he would be allowed to do so in the future. Mr. Schmidt replied yes since the RE-1 district would support 35%.

Councilman Friend made a motion to approve an amendment to the zoning ordinance in order to:

1. Amend the definitions section in order to define impervious surface and lot coverage.
2. Amend the impervious surface and lot coverage requirements as follows: One-Acre (RE-1), 35%; One-One-Half-Acre (RE-1.5), 30%; Two-Acre (RE-2), 25%, and Three-Acre (RE-3), 25%.
3. Amend the One-Acre Ranch Estate Zone (RE-1) in order to make crop and tree farming an accessory use.

4. Remove the statement referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (Re-2), and Three-Acre (RE-3) Ranch Estate Zones.
5. Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1-5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones; and
6. Amend the RE-1.5 district to allow for reduced lot widths on cul de sac lots.

Commissioner Rushing seconded that motion and the motion was unanimously approved.

4. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2005-62, the Planned Center District for the Blue Grass Farms Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that this subdivision was initially zoned Planned Center Zoning (PC) in 2005 and consists of single-family residential lots ranging in size from 1.92 to 3.0 acres in size. Mr. Schmidt stated that the subdivision is largely built out, except for one 14 acre-lot. Town staff received a lot of feedback from the residents of this subdivision expressing their liking to the larger lot sizes. Due to the PC classification, the current lot sizes are the zoned lot sizes for the subdivision and any deviation would constitute a zoning change. Therefore, staff would like to address the following issues.

1. Accessory uses are permitted and Special/Conditional uses are permitted by town council approval.
2. Any new lots that are created as result of a replat of an existing lot shall be no less than 1.92 acres (the size of the smallest existing lot in the subdivision) and shall meet all setbacks provided for in the RE-2 district. The minimum lot width for new lots shall be 180 feet (the current existing minimum lot width in the subdivision) except that any lot with 50% or more of its front property line contiguous to a cul-de-sac shall have a minimum lot width of 70 feet at a point 35 feet behind said property line and,
3. Remove all references to deed restrictions within the ordinance.

Vice Chairman Hendricks opened the public hearing.

Ben Drollinger, 460 Horseshoe Trail, stated that the 14 acres lot within this subdivision falls within the 100 year Flood Plain, and that only 8 acres is outside of the flood plain area.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioners were in consensus of supporting staff's recommendations and that adding the minimum lot size would give further protection.

Commissioner Friend made a motion to approve an amendment to Ordinance No. 2005-62 in order to:

1. Amend limitations placed on accessory and special/conditional uses;
2. Establish a minimum lot size and lot width for all newly established lots; and
3. Remove all references to deed restrictions in the ordinance.

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

5. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2008-6-3E, the Planned Center District for the Montecito Estates Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that Montecito Estates I was zoned in 2008 to the Planned Center (PC) zoning district and consists of lots varying in lot sizes ranging from .9-3.0 acres in size. Mr. Schmidt stated that with this subdivision possessing a wide range of lot sizes, staff found it to be appropriate to provide different lot coverage recommendations for different ranges of lot sizes. Therefore, staff is recommending the following: Lots less than 1.50 acres in size have 35% maximum lot coverage; lots 1.50-1.99 have 30% maximum lot coverage; and lots greater than 2.0 retain the 25% maximum lot coverage. Additionally, staff would like to address the following issues:

1. Special/Conditional uses are not currently permitted.
2. Any new lots that are created as result of a replat of an existing lot shall be no less than 1.5 acres and shall meet all setbacks provided for in the RE-1.5 district. The minimum lot width for new lots shall be 180 feet (the current existing minimum lot width in the subdivision) except that any lot with 50% or more of its front property line contiguous to a cul-de-sac shall have a minimum lot width of 70 feet at a point 35 feet behind said property line. This was the recommendation from the Blue Grass Farms subdivision.
3. Amend the sideyard setback requirements.

4. Remove all references to deed restrictions in the ordinance.

Commissioner Friend asked if these recommendations were based on the smallest lot. Mr. Schmidt responded that it reflects an average lot in this subdivision in order to protect the lower density.

Vice Chairman Hendricks opened the public hearing.

Ben Massman, 1320 Camino Real, stated that due to the various lot sizes, he recommends a 25' sideyard setback across the board for the whole subdivision. Mr. Schmidt stated the only issue that could arise with this would be a new accessory building.

Greg Edgar, 1381 Camino Real, agreed that 25' was more consistent.

Vice Chairman Hendricks closed the public hearing and opened discussion to the commission members.

Commissioners Friend, Flood, and Northcutt recommended the 25' sideyard setback for this subdivision.

Commissioner Northcutt made a motion to approve an amendment to Ordinance No. 2008-6-3E in order to:

1. Increase the maximum impervious lot coverage requirements;
2. Amend limitations placed on special/conditional uses;
3. Establish the minimum lot size to 1.5 acres and shall meet all setbacks provided for in the RE-1.5 district. The minimum lot width for new lots shall be 180 feet except that any lot with 50% or more of its front property line contiguous to a cul-de-sac shall have a minimum lot width of 70 feet at a point 35 feet behind said property line and lot width;
4. Amend the sideyard setback requirement to 25'; and
5. Remove all references to deed restrictions in the ordinance.

Commissioner Friend seconded that motion and the motion was unanimously approved.

6. **Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2010-8-3A, the Planned Center District for the Collinwood Acres and the Collinwood Acres North Subdivisions, in order to amend the planned center zoning regulations that govern these subdivisions. 4**

Mr. Schmidt stated that in 2010 Collinwood Acres and Collinwood Acres north were zoned and consists of lots varying in size from .9-10.0 acres in size. This subdivision is not built out, as some of the larger properties are significantly underdeveloped and could be easily subdivided to produce additional lots. Mr. Schmidt stated that with these subdivisions possessing a wide range of lot sizes, staff found it appropriate to provide different lot coverage recommendations for different ranges of lot sizes. Lots less than 1.50 in size would have a 35% maximum lot coverage; lots 1.50-1.99 in size would have a 30% maximum lot coverage; and lots greater than 2.00 acres in size would retain the 25% maximum lot coverage. Additionally, any new lots that are created as a result of a replat of an existing lot, shall be no less than 1.5 acres and shall meet all setbacks provided for in the RE-1.5 district.

Vice Chairman Hendricks opened the public hearing. No comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to commission members.

Commission members agreed that impervious surface lot requirements would be as follows: Lots less than 1.5acre in size, 35%; Lots 1.50-1.99 acres in size, 30%, and Lots equal to or greater than 2.0 acres in size, 25%.

Commissioner Friend made a motion to approve an amendment to Ordinance No. 2010-8-3A in order to: increase the maximum impervious lot coverage requirements as listed above, and to establish a minimum lot size of 1.50 acres for all newly established lots. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. Conduct a public hearing, consider, and take any necessary action on a request for approval of an Amended Concept Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275, zoned Commercial Planned Development District (CPDD), Zone D, and is generally located west of SH 5 and north of Meandering Way.**

Mr. Schmidt stated that the subject property is currently unplatted and contains a substantial amount of floodplain on the property. The property is undeveloped except for a dilapidated red barn that currently exists on the property and contains a 50' gas line easement that substantially constrains this property. Mr. Schmidt provided a brief history of this property regarding the initial Concept Plan up to the current date. The applicant for the proposed amended Concept Plan has submitted a plan for the development of 267 multi-family units, which will

consist of 10 buildings up to three stories, but will have a mix of two, three, and $\frac{3}{4}$ split terrace buildings. The applicant has also requested a variance for the minimum unit size since there are some that don't meet the minimum 850 SF requirement. The applicant also intends to dedicate land to the town as part of their public open space dedication which will include over eleven acres of land and over 2,800 LF in trail and improvements. Mr. Schmidt stated that in order to provide for the full right-of-way configuration of SH 5, the applicant would be required to dedicate additional right-of-way. Town staff will continue to work with the applicant in order to optimize parking and the location of buildings and other associated facilities; therefore, staff recommends approval of the Amended Concept Plan for the Davis Development multi-family development.

Commissioner Powell asked if the public trail would contain any public parking and if they would be a gated community. Mr. Schmidt responded that they are part of a larger trail concept, so there will be no public parking and it is proposed to be a gated community.

Commissioner Rushing proposed working with the Park Board to obtain access to the historical areas as well as tying into the town's trail system.

Commissioner Northcutt raised concerns regarding traffic stacking do to where entrance and exit gates would be located. Commissioner Friend asked what additional provisions for guest parking was being accommodated. Mr. Schmidt replied that they have met the town's parking requirement(s).

Vice Chairman Hendricks opened the public hearing.

Frank Carvajal, 461 Windmill Lane, stated his concern is the height of the buildings and the property to the south. Mr. Carvajal suggested only having two stories along Hwy 5.

Ben Drollinger, 460 Horseshoe, expressed concerns that there were no playgrounds depicted, as well as if there has been an Environmental Impact Analysis done with the creek. The historical impact on the area was his main concern.

Ralph Thompson, 420 Windmill Lane, stated that he is also concerned about the lack of playgrounds, what is being planning for fencing, the height of the buildings, and if there would be access to the town's historical landmarks.

Michael Vannata, 5141 Stream Crest Way, asked who will maintain the bridge by the creek and will there be public access. Mr. Schmidt replied that the trail is a component of the town's master park plan.

Palmer Weyandt, 601 Bluebonnet, stated that his lot backs up to the creek and his concern is the children. There is no place for them to play.

Keith Lovelace, 441 Horseshoe, stated that he is opposed to the plan. Mr. Lovelace questions how the plan can be approved without a traffic study being done. He also believes that there needs to be a buffer zone between the RE-1 properties and the multi-family units with there being no benefit is reducing the unit sizes.

Mr. Schmidt commented that this is a conceptual plan, and that there is a current Concept Plan that has been approved on this property. A Site Plan would be required as part of the next step, which would also then warrant a traffic analysis.

Amy Wells, 571 Bluebonnet, stated that her concern is the liability and should consider funneling traffic to Fairview Parkway versus Hwy 5.

Kathryn Bayle, 407 Varnum Way, stated her concern is the traffic flow.

Kathy Kanppitsch, 290 Hampton Court, stated that there needs to be another access option running east/west.

Chris Fry, 420 Horseshoe, stated his main concern is the roads and access to the roads.

Brian Johnson, 481 Windmill Lane, asked if there would be a buffer and/or berm between development, and need to consider the safety due to the heavy speed on Hwy 5.

Vice Chairman Hendricks closed the public hearing and opened discussion to commission members.

Commissioner Friend asked if there were plans to widen Hwy 5 to four lanes and how many multi-family units were being proposed totally, and how many people per acre. Mr. Chancellor responded there are no plans to widen Hwy 5. Mr. Schmidt replied that there are 267 units being proposed, and as proposed will equal approximately 17 people per acre. Commissioner Friend asked how much common area and proximity of the clubhouse to the buildings.

Commissioner Rushing stated overall he is not in favor of the plan. Commissioner Rushing stated his biggest concerns are the traffic, only having two exits, and with the gas line extending through the property, he would like to see the buildings setback even farther away from Hwy 5.

Commissioner Northcutt asked about public safety access. Mr. Schmidt replied that the Fire Marshal has reviewed the plans and they conform to fire code with the hydrants being accessible. Commissioner Northcutt added that he would like to see the plan refined to account for children, parking access to trails, and access to the historical sites. He commented that due to the variances being requested, he would have difficulty supporting.

Commissioner Flood stated that she likes that they have reduced the number of units, but has the same concerns as the other commissioners, especially the access off of Hwy 5.

Fred Hazel, VP of Davis Development, stated that there are many common areas that could accommodate for playgrounds, which would also be near the pool. Mr. Hazel commented that there will also be activities for children inside the club house. Mr. Hazel noted the following based on the commissioner's concerns: a traffic study will be done; a variance in unit size is being requested because they believe in having a variety of one bed rooms; the height of the buildings will be worked with the topography of the land; there is room to push back the buildings near Hwy 5; and, a trash compactor will be self-contained and will operate on a compacting system that minimizes the smell and is virtually what they have used in all their developments.

Commissioner Friend made a motion to deny without prejudice. Commissioner Rushing seconded that motion and the motion was unanimously approved.

8. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Section 14.02.011, in order to clarify the maximum building height for accessory buildings.

Mr. Schmidt stated that there is some conflicting language and inconsistencies regarding the maximum height of accessory buildings. In the accessory building ordinance, there are two different height requirements. Mr. Schmidt stated that the town currently requires all accessory buildings to match the roof pitch of the primary structure. As a result, town staff is recommending approval of an amendment to establish the maximum accessory building height in all zones to 30 feet or a maximum wall height of 14 feet, measure from the finished floor. The accessory buildings must provide for a minimum roof pitch of 4:12, with the exception of patio structures and other structures that maintain open facades.

Vice Chairman Hendricks opened the public hearing.

Greg Edgar, 1381 Camino Real, suggested a provision that the roof pitch shall not exceed the roof pitch of the primary structure.

Vice Chairman closed the public hearing and opened discussion to commission members.

Commissioner Northcutt made a motion to approve an amendment to the town's accessory building ordinance in order to amend the accessory building height and roof pitch requirements with a provision for the accessory building not to exceed the roof pitch of the primary structure. Commissioner Flood seconded that motion and the motion was unanimously approved.

9. **Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.13 acre tract of land situated in the Samuel Sloan Survey-Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1), and is generally located east of Meandering Way and south of Creekwood Drive.**

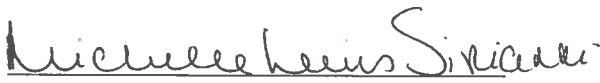
Mr. Schmidt stated the purpose of this plat is to combine two lots into one single lot, add a variable width access, drainage, and utility easement on and adjacent to Meandering Way, and to dedicate Tract 1, to the town. Mr. Schmidt stated the plat conforms to the towns requirements and subdivision regulations; therefore, recommends approval.

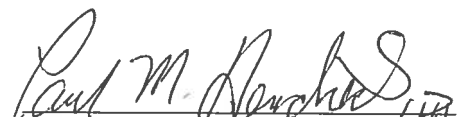
Commissioner Powell made a motion to approve a Final Plat for the Caldwell Fairview Addition. Commissioner Friend seconded that motion and the motion was unanimously approved.

10. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 10:20 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary


Paul Hendricks, Vice Chairman
Planning and Zoning Commission



**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JUNE 13, 2013**

Town Secretary, Michelle Lewis Sirianni called the meeting to order at 7:00 p.m. Commission members present were Pat Friend, Renee Powell, Brad Northcutt, Jim Rushing, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni. Commissioner Ricardo Doi was absent.

1. Elect a Vice-Chairman.

By private ballot, commissioners elected Commissioner Northcutt to serve as Vice-Chairman until a Chairman was appointed by Town Council.

2. Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a religious institution on a 5.818± acre property that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 950 feet west of Meandering Way.

Mr. Schmidt stated that Mr. Don Vandiver is applying on behalf of the Presiding Bishop of the Church of Jesus Christ of the Latter-Day Saints. Mr. Schmidt stated that the purpose of this application is for a religious institution/meetinghouse on a 5.818 acre property that will be 19,400 SF in size and provide for a 242 seat sanctuary, a cultural center for recreational activities, classrooms, office, and storage space. Each facility is designed to serve 2-3 congregations and is not proposing any educational, daycare, or other ancillary uses as part of the application, which was thoroughly reviewed by staff. Mr. Schmidt stated the subject property is undeveloped, zoned One-Acre Ranch Estate (RE-1). The town's ordinance allows religious institutions to be built through the CU zoning.

Mr. Schmidt addressed vehicle access, traffic impact, and right-of-way requirements. With the impending expansion of Stacy Road from two lanes to a four lane divided road, the property has already dedicated the required right-of-way. Mr. Schmidt commented that with the property having direct access to a main access road and majority of traffic occurring on Sunday mornings and not during peak times, it is unlikely for it to greatly impact on surrounding development.

Mr. Schmidt also addressed the subject's property utilities, drainage, and environmental concerns. The applicant will be required to provide for an aerobic septic system to serve the proposed development and can be served by an aerobic septic system without negatively impacting drainage or runoff on adjacent properties. Mr. Schmidt commented that the applicant meets the town's requirements for parking and lighting and the preliminary landscape plan demonstrates that the development will be sufficiently buffered. The applicant will submit a final landscape and irrigation plan during the platting process.

Mr. Schmidt commented that feedback from residents include fourteen letters in favor and four opposing, as well as discussing with a few concerned citizens, which most do not object to the proposed uses. Mr. Schmidt stated after reviewing this application, the applicant has met all town requirements and staff has not identified any negative impacts; therefore, recommends approval of the Conditional Use Permit zoning.

Don Vandiver, applicant, introduced himself to the commission and stated he would be happy to answer any questions they may have.

Vice Chairman Northcutt asked if a traffic assessment has been done. Mr. Vandiver replied that TxDOT doesn't require one to be done at this time.

Commissioner Flood stated that with the proposed plan being before the Stacy Road widening, she would like to see a cross access easement tied into the two-lane road east bound.

Commissioner Powell asked why there was one entrance versus two. Mr. Vandiver replied that TxDOT requirements would not allow, so the offset proposed is to provide spacing along Stacy Road. Commissioner Friend asked if a left turn lane would be put in by the town before the widening project. Mr. Chancellor responded that a traffic impact analysis will be done and at that time, they will check to see if a left turn lane is warranted.

Commissioner Friend asked what other day and times they are proposing for services. Mr. Vandiver replied that they have a youth auxiliary in the am hours starting at 6:00 a.m. to 6:50 a.m., Tuesday and Wednesday evenings they have service from 7:00-9:00 p.m. and Sunday service. Mr. Vandiver added that they have no mother's day out programs or day schools.

Vice Chairman Northcutt opened the public hearing.

Greg Smith, 751 Timberwood, stated he has lived in Fairview for over 27 years and supported the commercial development. Mr. Smith stated that he is not opposed to the church, but does not support changing the zoning at this time.

Marlow Ballard, 130 Horseshoe Bend, stated that she would like to this area to remain residential with no commercial.

John Balakian, 431 Oakridge Drive, expressed his concerns regarding the traffic and sewer system and the overall impact it will have to the environment and the areas nearby.

Brian Gelles, 680 Forest Oaks, stated he would like to see residential on the subject and is strongly opposed to the proposed project.

Angela Poen, 421 Oak Ridge Drive, stated her concerns regarding the detention pond, the smell regarding the aerobic system, lighting, and traffic.

Carolyn Camp, 761 Timberwood, stated she is opposed. She added anything other than residential would be affecting surrounding subdivisions.

Mike Burkhart, 620 Forest Oaks Court, expressed concerns of the aerobic system and traffic. He is opposed to the request.

Kerry Johnson, 530 Cottonwood Place, voiced concerns regarding traffic, but stated that there will be less impact having a church versus residential.

Ron Haus, 880 Foxdale, supports the request and stated it will bring more community activities to the area.

Carolyn Johnson, 631 Forest Oaks Court, stated she likes her neighborhood since it is quiet and safe. She would like the property to stay as is.

Phillip Walden, 381 Oakridge Court, is opposed to the request. He supports the residential and is also concerned with the aerobic system.

Terry James, 840 Quail Rise, stated he is a member of the church and believes it will have community value. Mr. James stated there will be an issue whether it's Stacy Road or somewhere else, but it provides more to the community.

Jay Jones, 360 Collinwood Drive, stated he supports the request and added that if they are in compliance with the town ordinances, land uses, and it's non-commercial, then they have a right to be there.

Lisa Foradori, 190 Horseshoe Bend, stated her main concern is traffic. She would like it to stay residential.

Neal Dandona, 411 Palomino Way, is opposed; prefers residential.

Joanna Harkins, 411 Oakridge Drive, stated her concern is the traffic backing up on the east side and is opposed to the request.

Dale Quenzer, 390 Forest Oaks, agrees with concerns previously stated, but traffic will only be bad until the road is widened. Mr. Quenzer supports this request.

Lori Moneta, 431 Oakridge, stated that the subject property is not a bad place for a church, but bad timing with the widening of Stacy Road.

Don Goodrich, 180 Horseshoe Bend, is opposed with traffic the main concern.

Shanice Haus, 880 Foxdale, supports the request and commented that traffic is inevitable, but Stacy is a thoroughfare, and the church is the best option.

Helen Dunham, 151 Horseshoe Bend, stated would like to keep residential and agreed with traffic concerns on Stacy Road.

JP Bains, 600 Forest Oaks Court, stated he moved to Fairview to get away from commercial.

Steve Muns, 280 Paddock Trail, believes there is a benefit to having the church at this site.

Mike Fry, 660 Forest Oaks, stated the problem with developing residential is that this area is in McKinney ISD and most people are looking to get into Lovejoy ISD. Stacy Road is a TxDOT road and growth is inevitable. Mr. Fry supports the request for the church and believes it will improve the neighborhood.

Don Vandiver addressed concerns of drainage and a left turn lane. Mr. Vandiver stated that they are required to retain current runoff rate; therefore, the detention basin is designed to hold water and discharge at a slower rate, which will improve the surface drainage. Mr. Vandiver also stated that they are not opposed to putting in a left turn lane and would do a study, but is waiting on TxDOT.

Chris Fry, 420 Horseshoe Trail, has traffic concerns.

Lance and Julie Dowd, 640 Forest Oaks, support the request and see the facility as a benefit from a long term perspective.

John Harkins, 411 Oakridge Drive, stated that he moved to Fairview for low density and questions if this request is approved, how property around it will be zoned. He also has a concern with traffic.

Vice Chairman closed the public hearing and opened discussion to commission members.

Commissioner Rushing stated that this property will not develop being zoned RE-1. The Comprehensive Plan designated areas for religious institutions and they are in areas not developed and there are no major roads. Commissioner Rushing stated that they cannot deny based solely on traffic concerns and the detention pond is required. He understands the feelings of the residents, but supports the application.

Commissioner Powell asked what happens to the properties on either side. Mr. Schmidt responded that it is standard practice to set up tie-ins so that future development will have openings. The more you have the better. TxDOT sets up cross axes.

Commissioner Friend stated that the residents have legitimate concerns. Commissioner Friend believes it's not a big concern placing the church there, and is not a good reason to deny it either.

Commissioner Flood stated she understands the concerns also. Mrs. Flood is concerned for the safety of the residents and requests that the line of sight be considered where the turn lane is placed. Mr. Chancellor commented that TxDOT will evaluate when the driveway location is done. The state has the option to move it.

Commissioner Rushing made a motion to approve a Conditional Use Permit (CU) zoning application for the provision of a religious institution. Commissioner Friend seconded that motion. Approved by a 3-1-1 vote. Commissioner Flood abstained and Vice Chairman Northcutt opposed.

3. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to reduce the expiration timeframe for the preliminary plan in the Planned Center Zone and the Concept Plan in the Planned Development and Commercial Planned Development District Zones.

Mr. Schmidt stated that at the May council meeting, the council approved a reduction in the expiration timeframe from five to three years. At that meeting, Commissioner Rushing suggested lowering it to a year. After discussion by council, they ultimately made the determination that a two year expiration timeframe with an option to request a one year extension would be the most appropriate action. Staff recommends approval off the request set forth by council.

Vice Chairman Northcutt opened the public hearing.

Mike Vanatta, 5141 Stream Crest Way, questioned if a developer has vested rights and when they expire. Mr. Schmidt replied that developers that already have vested rights retain the amount of years based on when they were approved.

Vice Chairman Northcutt closed the public hearing and opened discussion to commission members.

The commissioners requested a list of all outstanding Concept Plans and what the timeframes are for each.

Commissioner Powell made a motion to approve an amendment to the Commercial Planned Development District (CPDD), Planned Center (PC), and Planned Development (PD) Zoning Districts in order to reduce the Concept Plan and Preliminary Plan expiration timeframe. Commissioner Rushing seconded that motion and the motion was unanimously approved.

4. Adjourn.

Vice Chairman Northcutt adjourned the meeting at 9:29 p.m.



Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Brad Northcutt
Brad Northcutt, Vice Chairman
Planning and Zoning Commission

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 8, 2013**

Chairman Northcutt called the meeting to order at 7:00 p.m. Commission members present were Pat Friend, Heather Hager, Renee Powell, Brad Northcutt, Jim Rushing, Matthew Faulkner, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni.

1. Consider and take action regarding the minutes of the July 11, 2013 Planning and Zoning Commission meeting.

Commissioner Powell stated she called in a few corrections prior to the meeting.

Commissioner Friend made a motion to approve the July 11, 2013 meeting minutes as amended. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 981 Briardale court, being Block A, Lot 8 of the Fairview Meadows subdivision.

Mr. Schmidt stated that the applicant for this item is Craig Kooda of gold Medal Pools and Outdoor Living, and is applying on behalf of the property owner, Tod Hanna. The current subject property contains a single-family residence and a 750 SF accessory building. The applicant is requesting to construct a 444 SF cabana in order to provide for an exercise room, additional storage, and an additional restroom adjacent to the pool. Mr. Schmidt stated that due to the size of the cabana, the required setback is 15' from any property line, but the applicant is providing for a 20' setback. The proposed building conforms to the town's height requirements for accessory buildings and will be consistent in design with the primary structure. Mr. Schmidt added that he has received four letters in support and one in opposition to the proposed accessory building. Town staff recommends approval as submitted.

Chairman Northcutt opened the public hearing.

Porter Hull, 1001 Briardale Court asked if the applicant was asking for a variance or if it was a zoning issue. Mr. Schmidt responded that the subject property is currently zoned One-Acre Ranch Estate (RE-1) and there will be no change in the zoning. The Conditional Use Permit (CUP) will serve as an overlay allowing the applicant to build the structure.

Scott Hopkins, 950 Engelnook Court, stated that there was work being done prior to requesting approval; therefore, is out of code, and if approved that they will be setting a precedent. Mr. Hopkins stated that he is opposed to the request due to violation of the town's code.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Hager asked if the HOA has approved their request. Mr. Hanna, property owner responded yes they have.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) for 981 Briardale Court in order to exceed the accessory building footprint requirement. Commissioner Rushing seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned Planned Center (PC) and is specifically located at 1011 Young Trail, being Lot 12 of the Collinwood Acres subdivision.**

Mr. Schmidt stated that the applicant needs to continue to work with staff in order to refine their building plans. Therefore, the request is not ready to be reviewed by the commission. Mr. Schmidt requested that the commission open the public hearing and allow it to be continued to the next meeting.

Chairman Northcutt opened the public hearing.

Commissioner Rushing made a motion to continue the public hearing to September 12, 2013 for the request of a Conditional Use Permit (CUP) for 1011 Young Trail in order to exceed the accessory building area and setback requirement. Commissioner Flood seconded that motion and the motion was unanimously approved.

4. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Special Use Permit in order to allow for the establishment of a Farmer's Market on a property that is zoned Commercial Planned Development District (CPDD) – Zone K, being Block A, Lot 5C of the Village at Fairview Addition.

Mr. Schmidt stated that the applicant for this request is Ms. Wendy Ellis of the MG Herring Group. The purpose of this SUP is to request to hold a farmer's market within the Village at Fairview. The proposed farmer's market will be located in the semi-circular parking area and access drive adjacent to the Purple Cow, Gloria's, the volleyball court, and the Community Garden. Mr. Schmidt stated that the market will be 20-50 vendors with 10x10 booths. All vendors will be required to have proper refrigeration, health and food service licenses, and sales and use permits at their booth. The applicant has coordinated with the town's economic development manager and health inspector to ensure all regulatory requirements are met for this event. Mr. Schmidt commented that no feedback has been received regarding this request. Town staff believes that any community friendly event can increase exposure of the development and over time become an asset to the town and the MG Herring Group; therefore, recommends approval of this request.

Chairman Northcutt opened the public hearing.

Wendy Ellis, applicant stated that farmers markets are commonly held in communities and can bring an increase of people into the development, and believe this could be a positive addition to the Village.

Commissioner Flood asked about the hours of operation, as well as the concerns of parking, and if they would be taking away from the shops currently open. Ms. Ellis responded that the proposed hours of operation will be Saturdays from 8:00 am – 3:00 pm and Sundays from 9:00 am – 2:00 pm, but could be shortened in the beginning until it is more established. Ms. Ellis stated that there is plenty of parking for current stores and those coming to the farmers market. The idea is that they will also spend time in the center and shopping or dining at the other stores and restaurants. The vendors will have assigned parking in a different area. Commissioner Flood suggested shorter hours of operation than proposed.

Commissioner Hager asked if they have considered using any other areas within the Village. Ms. Ellis responded yes they did and drove the entire center, but believe the area proposed will be the best location to start. Commissioner Hager stated that she believes this will be good for the town and suggested to consider

potentially moving the location if and when it becomes successful to another location within the Village.

Commissioner Faulkner stated that he believes this is a good way to drive traffic into other businesses and is a good idea.

Commissioner Rushing expressed a concern regarding the parking, but supports drawing business into the center.

Chairman Northcutt asked what type of signage if any they plan on using and how will they advertise the farmers market as well as communicating with the vendors. Mr. Schmidt responded that in regards to the signage there is nothing indicated that would require approval, and the town's economic development manager and the town's Health Inspector will be working with Ms. Ellis to ensure all vendors are legitimate.

Commissioner Powell asked when they anticipate opening. Ms. Ellis replied early September. Mr. Schmidt commented that council will still need to approve before opening, and it could be as early as the first or second weekend of September.

Commissioner Friend asked if they can ensure vendor parking to make sure they don't have any problems with customer parking. Ms. Ellis responded that during another event they were able to control and monitor this successfully; therefore, can assure the commission it will not be a concern.

Commissioner Powell made a motion to approve a Special Use Permit (SUP) in order to provide a temporary farmer's market in the Village at Fairview Addition. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 5. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 3.00± acre tract of land situated in the Samuel Sloan Survey-Abstract No. 28 that is Zoned One-and-One-Half-Acre Ranch Estate (RE-1.5) and is generally located 1,600 feet south of Hart Road and east of the Oakwood Estates subdivision.**

Mr. Schmidt stated that the applicant and property owner of the request is Mr. Pat Hickey. The purpose for this request is to subdivide his 3.0 acre property, which currently contains one single family residence on the southern portion of the property and is the property owner's current residence. The property owner is

proposing to subdivide the property into two 1.5 acre lots in order to provide for an additional single family residence. Mr. Schmidt stated the property does contain access and utility issues and would require a developer's agreement to be established between the town and Mr. Hickey to help mitigate the risk associated with these development conditions. Town staff is currently drafting this agreement, but it would include the following components in accordance with the submitted plans: a fire apparatus hammerhead turnaround point, to extend an 8" water line and install at least one fire hydrant on the property, and install a fire sprinkler system in all new residential structures. This agreement would bind Mr. Hickey to perform this work prior to receiving a building permit approval from the town. Mr. Schmidt stated town staff recommends approval of the Final Plat conditioned upon the establishment of a developer's agreement that accounts for the items referenced within the developer's agreement.

Commissioners had no further questions or comments.

Commissioner Powell made a motion to approve a Final Plat for the Hickey Addition conditioned upon the establishment of a developer's agreement that accounts for the extension of water utilities, the installation of a fire apparatus hammerhead, and the installation of a fire sprinkler system in the future residential structure on Lot 1. Commissioner Rushing seconded that motion and the motion was unanimously approved.

6. Receive a presentation from staff on the planning process.

Mr. Schmidt stated due to five out of the seven commissioners attending a recent conference that was held by the gentlemen that wrote the article they read, he will not go into further details, but provided the commissioners with a presentation that was given at the conference.

Mr. Schmidt stated that at the next meeting, he would like to discuss establishing formal procedures and defining structure for their meetings. Mr. Schmidt asked the commissioner's to bring back ideas to the next meeting for discussion.

7. Adjourn.

Chairman Northcutt adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Brad Northcutt
Brad Northcutt Chairman
Planning and Zoning Commission



**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 12, 2013**

Chairman Northcutt called the meeting to order at 7:00 p.m. Commission members present were Pat Friend, Heather Hager, Renee Powell, Brad Northcutt, Jim Rushing, Matthew Faulkner, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni.

1. Consider and take action regarding the minutes of the August 8, 2013 Planning and Zoning Commission meeting.

Commissioner Powell stated she called in a few corrections prior to the meeting.

Commissioner Friend made a motion to approve the August 8, 2013 meeting minutes as amended. Commissioner Rushing seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request to Replat an 8.480± acre tract of land that is zoned Commercial Planned Development District (CPDD), Zone K, and is generally located east of Convention Drive and north of Murray Farm Road, being Lot 2R, Block A, of the Village at Fairview – North Addition.

Mr. Schmidt stated that Mr. Ajay Desai, the applicant is applying on behalf of the property owner. The purpose of this Replat is to subdivide the existing lot into two lots in order to facilitate the sale of real property. This plat is a mechanism to facilitate the subdivision and sale of land.

Chairman Northcutt opened the public hearing. No comments were made and the public hearing was closed.

Chairman Northcutt opened discussion to commission members. No comments were made.

Commissioner Powell made a motion to approve a Replat for Lot 2R, Block A, North Addition. Commissioner Rushing seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request for approval of an amendment to the Blue Grass Farms Subdivision Zoning Development Plan and a Replat of Lot 17R of the Blue Grass Farms Subdivision, a 14.3516± acre property that is zoned Planned Center (PC), generally to subdivide the property in order to create four single-family residential lots.**

Commissioner Rushing stated that this item was a conflict of interest and left the room.

Mr. Schmidt stated that the applicant, Mr. Mark McGuire is requesting to subdivide Lot 17R in order to create four single-family residential lots. The subject property is 14.3516± acres, undeveloped, and currently zoned Planned Center (PC). The proposed subdivision would consist of four lots that conform to the use and area requirements of the Blue Grass Farms PC zoning district. Mr. Schmidt stated that in order to develop the subject property as proposed, the only planning and zoning requirement would be the approval of this application. Mr. Schmidt commented on the properties access, utilities, trees, and parkland conveyance. It will be recommended that the town accepts cash in lieu of land for this development. Mr. Schmidt stated that he has received one letter in opposition and several in favor of this request.

Chairman Northcutt opened the public hearing.

Terry Alderson, 560 Kentucky, stated he is in favor of this request.

Guy Wormald, 926 Medina, stated that he knows several residents that abutt the property line and they are also in favor of this request.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Friend asked if there was an existing berm adjacent to Heritage Ranch. Mr. Wormald replied that there is an existing berm and is more within the flood plain and then levels off near the property.

Commissioner Friend made a motion to approve an amendment to the Blue Grass Farms Subdivision Zoning Development Plan and a Replat of Lot 17R of the Blue Grass Farms Subdivision to subdivide the property to create four single-family

residential lots. Commissioner Flood seconded that motion and the motion was unanimously approved with a 6-0 vote. Commissioner Rushing did not vote.

Commissioner Rushing reentered the room.

- 4. Conduct a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for three tracts of land comprised of 57.018± acres and situated in the Robert Fitzhugh Survey, Abstract No. 317, and generally located north of Stacy Road and 450' west of Kentucky Lane, which are currently zoned Agriculture (AG) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District, generally, in order to initiate a development comprised of thirty-four (34) single-family residential lots.**

Mr. Schmidt stated the applicant for this request is Michael Dewers and is applying on behalf of the current property owners, the Molodow's and the Tolle's. Mr. Schmidt stated that the purpose of this zoning change is to amend the land use designation and zoning for three tracts of land, which is currently zoned Agricultural (AG) and undeveloped. The applicant is requesting a zoning change to the Planned Center Zoning District (PC), in order to initiate a development comprised of 34 single-family residential lots that are at least 1.5 acres in size. The proposed 57.018± acres development is comprised of a 27.874 acre tract and a 1.065 acre tract owned by Mrs. Tolle, and a 28.065 acre tract owned by Mr. Molodow. The proposed development would provide for 50' of public ROW and depending on the Park Board's recommendation, the development could lose a lot in order to provide for public park land. Mr. Schmidt explained that if the application is approved, it would require an amendment to the Future Land Use Plan and the Zoning Map, and would rezone the Preliminary Plan to the PC Zone. Mr. Schmidt discussed the aspects of the property including utilities, drainage, landscaping, and parkland conveyance. Mr. Schmidt stated that the residents residing on Farmstead are opposed to the potential cut through as traffic would increase and would become a pass thru for traffic. Mr. Schmidt stated that the Blue Grass Farms subdivision and Country Side are also heavily opposed to this request. Mr. Schmidt requested a recommendation from the commission regarding this request and asked them to consider what they would like their neighborhoods to look like, as well as consideration for smaller lot sizes due to more homeowners maintaining the same amount of land, the development would likely have more trees and higher quality landscaping.

Mr. Brownly, a representative from K. Hovnanian Homes stated that the houses would be 3500-5000 SF in size with a mix of one and two story homes on 1.5 acre lots with a market price starting at \$700,000. They feel they would offer and meet the standards that the town looks for in a neighborhood.

Chairman Northcutt opened the public hearing.

Mike Weaver, 481 Homeplace, stated he is not opposed to the request, but is concerned that since everything surrounding it is RE-2 or RE-3 that there will be a big architectural difference. Mr. Weaver requested to keep Farmstead the way it is and use it as an emergency access only.

Trent Ballew, 531 Kentucky, stated that his main concern is the size of the lots due to surrounding lots being mostly 2-3 acres with lots of cattle and horses. Mr. Ballew stated that he is not against development, but would like consistency with lot sizes.

Christine Rees, 1161 Farmstead, stated that she worries about safety for kids playing in the street. Mrs. Rees stated her main concern is the potential increase in traffic, especially with Hwy 5 currently being closed.

Jake Seale, 480 Homeplace, stated his concern is the safety, especially with the children that play in the streets. He would like to see the integrity of the neighborhood preserved.

Randy Smith, 691 Glenwood Circle, suggested using a gate as a way to resolve the issue.

Steve Hammons, 471 Kentucky, stated his concern is the size of the lots. He is in favor of development, but would like to see the zoning consistent with surrounding zoning.

Patrick Rees, 1161 Farmstead, requested to keep Farmstead as an emergency access point only.

Chris Smith, 470 Country Club, stated that he is not against development, but is concerned with the changing the look of the area, traffic, making Farmstead a through street, and safety on the streets. Mr. Smith stated he prefers the zoning to be for 2 acres plus and Farmstead as an emergency access.

Jeff Reinhard, 1171 Stacy, stated that he is in favor of the two-acre zoning (RE-2) to the one and one-half acre (RE-1.5). He supports the request and believes it will have a positive impact.

Mark Molodow, 431 Kentucky, stated Fairview is growing and that the growth will increase their tax base, which he believes is a positive element for the town.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Friend stated that the commission was evaluating if they should rezone this subject property and questioned if it was too soon to be discussing gates and access points to Farmstead, which he believes would provide better access for public safety.

Commissioner Powell stated that she would prefer to keep larger lots on this subject property and keep the zoning consistent with surrounding lots. She added that the school district is also opposed due to the increase in school population.

Commissioner Rushing stated the higher density is an issue and emergency gates are used all the time in similar situations.

Commissioner Hager asked the developer if they have considered RE -2 at all or a combination of RE-1.5 and RE-2 lots in order to have more appeal with variation by using the elevation of land.

Chairman Northcutt stated that he would prefer non-cookie cutter homes, and more of a custom feel with landscape characteristics. Chairman Northcutt also asked the developer if he would consider using an average of two acre lots on the subject property.

Commissioner Friend asked if the zoning is kept at RE-2 what is the company's position on the project. K. Hovnanian Homes would pull themselves from the project.

Commissioner Faulkner asked with the price point of the homes if they have considered having a gated community. Mr. Schmidt replied that the town restricts gated communities and therefore they would not be able to consider this option.

Commissioner Rushing made a motion to deny without prejudice the request to amend the land use designation and zoning for three tracts of land comprised of 57.018± acres in order to initiate a development comprised of thirty-four (34) single-family residential lots. Commissioner Powell seconded that motion. The motion passes with a 5-2 vote. Commissioner Hager and Faulkner were not in favor of this motion.

- 5. Continue a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned Planned Center (PC) and is specifically located at 1011 Young Trail, being Lot 12 of the Collinwood Acres subdivision.**

Mr. Schmidt stated that the application is not ready and recommended continuing the public hearing to the October meeting.

Chairman Northcutt asked if there was anyone present that would like to speak regarding this item. No public comments were made and the public hearing remains open.

Commissioner Flood made a motion to continue the public hearing to October 10, 2013 for the request of a Conditional Use Permit (CUP) for 1011 Young Trail in order to exceed the accessory building area and setback requirement. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

- 6. Conduct a public hearing, consider, and take any necessary action on a request for an approval of a Site Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275, zoned Commercial Planned Development District (CPDD), Zone D, and is generally located west of SH 5 and north of Meandering Way.**

Mr. Schmidt stated that the applicants for this request are Mr. Fred Hazel, VP of Davis Development, and Hugo Morales, the project engineer of Kimley-Horn. Mr. Schmidt stated that the Site Plan identifies location of buildings, parking, utilities, landscaping, and building characteristics. Mr. Schmidt added that upon review of the tree survey that was submitted, staff has identified some trees adjacent to the trail and in some undeveloped parts of the development that could potentially be reserved, and would like to further explore with the commissioners approval. Mr. Schmidt stated that the components of this Site Plan conform to the town's zoning requirements and design guidelines. Mr. Schmidt discussed the various components of this Site Plan with emphasis on the façade plan. The applicant is seeking a variance from the town's requirements that all buildings within the CPDD are comprised of 90% masonry. The submittal provided by the applicant provides for 75% masonry with over 20% being stone. They believe that using different materials will be more appealing and provide for more

architectural detail. Mr. Schmidt stated staff recommendation is to approve the Site Plan with the following conditions: modification of the façade plan to address staff and commission comments, increased detail with the landscape plan by providing a typical planting plan for a three story and two-story type, and a berm, and modification of the tree removal plan in order to potentially protect several mature trees.

Chairman Northcutt opened the public hearing.

Scott Whigham, 640 Merlot, stated that his concerns are the construction trucks and where and how they will enter the site. Mr. Schmidt replied they would access off of Hwy 5.

Brian Johnson, 481 Windmill Lane, stated his concern is traffic on Hwy 5 and only having one entrance to the apartments. Mr. Johnson suggested having an entrance on the back end near the railroad tracks.

Fred Hazel, VP of Davis Development stated that the main changes they've made to the plan based on the commissioner's recommendations are that they enhanced the elevations by adding stone, added architectural features to the buildings, and are looking to potential save some trees.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Flood, Faulkner, and Powell stated that they are okay with the plan. Commissioner Rushing agreed as long as there was no stucco being used.

Chairman Northcutt stated that he is drawn to the 90% masonry. Commissioner Hager agreed and commented that she believes more elements can be added to the elevations.

Commissioner Friend stated that he has no problems with the materials as long as they are hardy materials and believes that the contrasting look has more appeal.

The commissioners discussed the percentage of materials on the $\frac{3}{4}$ split and four story buildings versus the two-story buildings. The consensus was to recommend that on the $\frac{3}{4}$ split and four story buildings only have to use 75% or more masonry and the two-story buildings use 90% or more masonry with vertical and horizontal articulation on the four story buildings with architectural deviation detail.

The commissioners also agreed that in regards to the landscaping that they preserve tree groupings, identify trees that can be preserved, and place larger trees along Hwy 5, the streetscape and adjacent to Fairview Ranch Estate with the intent that the developer moves forward by working with staff.

Commissioner Friend made a motion to approve the Site Plan for the Davis Development conditioned upon the items as listed above in regards to the building materials/façade, and landscaping. Commissioner Rushing seconded that motion and the motion was unanimously approved.

7. Receive a report from staff on the status of recent planning cases and the CPDD Master Plan Update process.

Mr. Schmidt stated that Jacobs was selected to assist the town with the updating of the towns CPDD. Mr. Schmidt stated that the commission should expect additional meetings and that town staff is looking to have a joint meeting with town council on October 24th regarding the Future Land Use Plan (FLUP).

8. Receive a presentation from staff on meeting protocol.

Mr. Schmidt asked the commission to review the handout they were given and provide any feedback and he will look to provide a draft on meeting protocol at the next meeting.

9. Adjourn.

Chairman Northcutt adjourned the meeting at 9:51 p.m.



Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Brad Northcutt
Brad Northcutt Chairman
Planning and Zoning Commission

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, OCTOBER 10, 2013**

The Planning and Zoning Commission met in regular session on Thursday, October 10, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Pat Friend, Renee Powell, Brad Northcutt, Jim Rushing, Matthew Faulkner, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni. Commissioner Heather Hager was absent.

Chairman Northcutt called the meeting to order at 6:31 p.m. and declared a quorum was present.

The commission then adjourned into executive session at 6:32 p.m. to consult with legal counsel regarding pending or contemplated litigation.

At 6:56 p.m. Chairman Northcutt reconvened back into regular session.

1. Consider and take action regarding the minutes of the September 12, 2013 Planning and Zoning Commission meeting.

Commissioner Powell and Rushing stated they called in a few corrections prior to the meeting.

Commissioner Flood made a motion to approve the September 12, 2013 meeting minutes as amended. Commissioner Rushing seconded that motion and the motion was unanimously approved.

2. Statement of rules.

Mr. Schmidt addressed the format and guidelines for a public hearing item. Mr. Schmidt stated that the staff will give their report/presentation prior to opening the public hearing. The Chairperson will open the public hearing and request the applicant to speak first. Following the applicant presentation, the commission shall receive input from other members of the public who wish to address the commission with a time limit of up to three minutes in duration. Upon closing of the public hearing, the Chairperson will grant the applicant time to address any issues brought up during the public hearing, and then will deliberate the case.

- 3. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for a religious institution on a 10.672± acre property located within the John A. Taylor Survey-ABS No. 909, that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 1,400 feet west of Meandering Way.**

Mr. Schmidt stated that the applicant for this request is Mr. Glen Brechner, Executive Director of Chase Oaks Church. The Conditional Use Application is to allow for a religious institution. The Fairview congregation currently leases Sloan Creek Intermediate in order to hold two Sunday services each week. The proposed facility would be comprised of a 37,000 SF worship center and education building, and a 3,000 SF recreation building. The worship center would provide for a 500 seat sanctuary, classrooms, administrative offices, common area/event space, and a café. The proposed recreation building would provide for event space and a lounge/game room. Additional proposed improvements include a walking trail, play courts, and playground amenities. Activities will take place at the church on Sundays and will have various group activities during the week. Mr. Schmidt stated the CUP process would allow the applicant to develop within a residential zoning district. The property would retain a base zoning of RE-1. Mr. Schmidt provided an overview of the traffic impact, right-of-way, utilities, drainage, parking, lighting, landscaping, and building façade materials. Mr. Schmidt recommended approval of this CUP application with the following conditions: (1) establishment of educational, daycare, or other similar accessory or non-accessory uses shall not be permitted by right, and instead shall review of the CUP in the form of public hearings before the Planning and Zoning Commission and Town Council; (2) any modification to the worship center that increase the sanctuary seating capacity beyond 500 seats shall require review of the CUP in the form of public hearings; (3) a traffic impact study shall be completed during the plat application process. The property owner shall implement the recommendations of the study for any appropriate and necessary mitigation measures such as deceleration lanes, as approved by TxDOT; (4) the property must be served by the City of Allen sanitary sewer system. If any alternative sewage collection system is proposed, the town shall require review of the CUP in the form of public hearings; (5) the property owner shall finance the construction of a left turn lane for eastbound traffic within the future Stacy Road median that shall front the subject property; (6) the property owner shall provide cross access and a secondary emergency access point through the adjacent property to the east; (7) the property owner provide additional buffering and/or landscaping to adjacent properties on the south side and adjacent to Stacy Road; and, (8) provide additional parking adjacent to Stacy Road.

Chairman Northcutt opened the public hearing.

Glen Brechner, applicant, 420 Fox Trail, stated that they currently have three locations. They are one church in multiple locations. The church is trying to establish a permanent home in the town.

Stephen Picard, Good Fulton & Farrell Architects, stated that they have worked closely with staff. They will salvage as many trees as possible in order to create minimal impact on the site and so that it blends into the property. Mr. Picard stated that they will be extending the trail system for the community to use and will be accessible along the perimeter. The property will contain a worship center, rain water cisterns to collect water on the north and south side and open space on the east side of the property.

Mike Burkhart, 640 River Oaks, stated he is opposed. He does not like it within a residential area and questions the law statutes for designated areas of use.

Maureen Honeycutt, 700 Forest Oaks, stated that historically churches were in residential areas and that people used to walk to them. Mrs. Honeycutt stated that she believes the land to the east is commercial and she does not want the church there; therefore is opposed.

Joe Bains, 600 Forest Oaks, stated he is opposed due to traffic and does not want a church in that area.

Dan Danridge, 651 Lakeridge, stated he is a member of the church and part of the project management team. He is excited about the project and being in Fairview. He believes it will be a positive asset.

Lou Morelli, 541 Ashwood Lane, stated that it will bring community involvement and participation in helping schools, etc. He is in favor.

John Goodman, 571 Stacy Road, property owner stated that he had received many offers on his property. He believes the church will be a good neighbor and supports the CUP.

Brain Holmes, 890 St. James, stated he supports the request.

John Villarreal, 380 Ashwood Lane, stated he is a member of the church and enjoys living in Fairview. Mr. Villarreal supports the request.

Ronda Bobbitt, 310 Hawkswood, stated her concerns are the outdoor lighting and the playground area.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Flood asked if the playground would be fenced. Mr. Picard responded that yes it will be fenced.

Commissioner Rushing asked if there will be windows on the north side. The north side elevation was displayed for the commission. Commissioner Rushing stated that all churches are off a main road and close to residential.

Commissioner Powell asked if the lighting conformed to the town ordinances. Mr. Chancellor responded that the lighting does conform. The building will have lights that direct down onto the building similar to Noah's and the parking is using a LED source.

Commissioner Friend stated that religious institutions have statutory rights at the federal and state levels and based on this application, they've been given no reason not to approve.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) application for the provision of a religious institution with the 8 conditions as stated above in addition to the following: additional buffering will be added to the parking area and concrete will be used for public and emergency access. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

- 4. Continue a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for an accessory structure on a property that is zoned Planned Center (PC) and is specifically located at 1011 Young Trail, being Lot 12 of the Collinwood Acres subdivision.**

Mr. Schmidt stated that Mr. David Holloway is the property owner and applicant for this Conditional Use Permit (CUP) application. Mr. Holloway is proposing to install a 1,200 SF metal building with an 800 SF attached covered parking area, and is requesting a decrease in the side and rear yard setbacks from 30' to 15'. Mr. Schmidt stated that it is not uncommon to exceed the accessory building area and setback requirements and this request would adhere to surrounding

environment. Mr. Schmidt stated that staff notified adjacent property owners and has received one letter of support and no letters of opposition. Mr. Schmidt stated that staff recommends that the commission work with the applicant to reduce the overall footprint of the structure to a footprint that is no greater than 1,500 SF; and increasing the proposed side yard setback at the western property line. The property is heavily treed and has a substantial buffer; therefore, no additional landscaping would be needed.

Chairman Northcutt opened the public hearing.

David Holloway, property owner and applicant stated that he would like the building in order to store extra lawn equipment, a boat, four wheelers, etc. Mr. Holloway stated that he spoke with his neighbors regarding his request and everyone was in support.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commission members discussed the proximity of the proposed building to the property lines and a 15' versus 20' yard setback, as well as the size of the building.

Commissioner Powell made a motion to approve a Conditional Use Permit (CUP) for a 1,200 SF metal building with an 800 SF attached covered parking area with a 15' side yard setback. Commissioner Rushing seconded that motion and the motion was unanimously approved.

- 5. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 261 Wyndham Court, being Lot 14, Block 3 of the Summer Hill Farms subdivision.**

Mr. Schmidt stated that Mr. David Pavelock, the property owner and applicant is requesting to construct a detached garage for hobby and storage use. The subject property is 1.5 acres in size and is currently zoned One-acre Ranch Estate (RE-1). The applicant is requesting a CUP in order to exceed the maximum accessory building footprint for the subject property by building a 1,240 SF detached garage. This exceed the permitted accessory building footprint by 340 SF. Mr. Schmidt stated the subject property is extensively landscaped and this new structure will be well-screened from the view of adjacent properties. The town notified all property owners within 500 feet and one letter of support was received. Mr. Schmidt stated that town staff recommends approval.

Chairman Northcutt opened the public hearing.

Mr. Pavelock, owner and applicant stated that they would like some additional storage. The garage would match the brick of the house and fit well into the neighborhood. Mr. Pavelock stated he spoke with some of his neighbors and they are okay with his request.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Faulkner asked if the HOA has approved this request. Mr. Pavelock responded that yes they have.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) for a detached garage. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 6. Conduct a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for Lot 4 of the Country Club Estates subdivision, a 2.85± acre lot which is currently zoned Two-Acre Ranch Estate (RE-2) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, and generally located at the southeast corner of Country Club Road (FM 1378) and Red Oak Trail; to the Residential Estate (RE) land use designation and the One-Acre Ranch Estate (RE-1) Zoning District, generally, in order to add an additional single-family residential lot.**

Mr. Schmidt stated that the applicant is requesting to rezone this property in order to enable the property to be replatted to subdivide into two lots. When the subdivision was first established, deed restrictions were also established that limited a lot owner's ability to replat their property in order to create additional homes sites on smaller lots. As a result, the town cannot approve a replat application for the subject property unless the applicant receives a variance for said deed restrictions. Mr. Schmidt requested the commission leave the public hearing open and leave open to provide the applicant an opportunity to petition the adjacent property owners for a variance for the deed restrictions.

Chairman Northcutt opened the public hearing. No comments were made and the public hearing was left open.

Commissioner Rushing made a motion to keep the public hearing open to January 9, 2014. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.00± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and is generally located east of the Shady Brook Lane and Meandering Way intersection.**

Mr. Schmidt stated that Mr. Byron McCollum is applying on behalf of the current property owner, Gene Payne. The purpose of this Final Plat is to create a two lot subdivision for a 2.0 acre property. Mr. Schmidt stated that the applicant is required to apply for a Minor Plat approval prior to submitting a Final Plat. However, since this proposed subdivision creates fewer than four new lots and does not create any new public streets, a minor plat, which is approved by the Town Manager, can be submitted in lieu of a preliminary plat. Mr. Schmidt stated that the plat application conforms to the town's zoning requirements and subdivision regulations; therefore, the town is bound by state law to approve this plat.

Commissioner Powell made a motion to approve a Final Plat for the Meandering Way Estates Addition. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 8. Receive a report from staff on the status of recent planning cases.**

Mr. Schmidt stated that all previous cases were approved by the Town Council, except for the K Hovnanian case, which was tabled to their November meeting.

A joint meeting with council will take place on Thursday, October 24th to discuss the Land Use Plan and policy direction.

- 9. Adjourn.**

Chairman Northcutt adjourned the meeting at 8:51 p.m.

Respectfully submitted,

Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary

Brad Northcutt

Brad Northcutt Chairman
Planning and Zoning Commission



**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 14, 2013**

The Planning and Zoning Commission met in regular session on Thursday, November 14, 2013 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Pat Friend, Heather Hager, Brad Northcutt, Jim Rushing, Matthew Faulkner, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, Management Intern, Tyler Brewer, and Town Secretary, Michelle Lewis Sirianni. Commissioner Renee Powell 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 October 10, 2013 Planning and Zoning Commission meeting.

Commissioner Flood made a motion to approve the October 10, 2013 meeting minutes. Commissioner Friend seconded that motion and the motion was unanimously approved.

2. Statement of rules.

Mr. Schmidt addressed the format and guidelines for a public hearing item. Mr. Schmidt stated that the staff will give their report/presentation prior to opening the public hearing. The Chairperson will open the public hearing and request the applicant to speak first. Following the applicant presentation, the commission shall receive input from other members of the public who wish to address the commission with a time limit of up to three minutes in duration. Upon closing of the public hearing, the Chairperson will grant the applicant time to address any issues brought up during the public hearing, and then will deliberate the case.

3. Conduct a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for a 32.668± acre tract of land situated in the Samuel Sloan Survey, Abstract No. 791, and generally located north of Hart Road and 500' west of Beechwood Lane, which is currently zoned Three-Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the One-Acre Ranch Estate (RE-1) Zoning District, generally, in order to initiate a development that would be generally comprised of twenty-five (25) single-family residential lots.

Mr. Schmidt stated that the applicant for this zoning change is Mr. Martin Raymond of Martin Raymond Custom Homes and is applying on behalf of the property owners Mark and Morgan Stoddard. The proposed development would provide for 25 single-family homes and various common areas that provide for open space and landscape buffers. If approved the commission would be rezoning the subject property which is currently zoned RE-3 and categorized as Residential Estate Country on the Future Land Use Plan to One-Acre Ranch Estate (RE-1). Mr. Schmidt stated that when the town initially adopted its Comprehensive Plans in 1995 and 2005, this property was designated for one-acre lot residential development. In 2008, the town updated the Future Land Use Plan in order to re-designate this property as Residential Estate Country. Mr. Schmidt outlined the land use and zoning of the surrounding properties as well as vehicle access, right-of-way requirements, utilities, drainage, landscaping, and parkland conveyance.

Mr. Schmidt stated in regards to public input, he received 17 letters of opposition that are within the 500 feet, 13 letters of opposition from those outside of the 500 foot, 2 letters of support with one being inside the 500' and one outside of the 500', and no communications received by the ISD. Mr. Schmidt asked the commission to make a recommendation on this request.

Chairman Northcutt opened the public hearing.

Marty Raymond, Martin Raymond Custom Homes and applicant, stated that they are a full custom home builder. Mr. Raymond stated that he has discussed with the homeowner about one acre lots since the subject property is surrounded by one acre lots. Mr. Raymond stated that he is open to suggestions and commented that their homes will have a value of \$900,000 and believes they would be an asset to the community.

Mark Stoddard, 930 Country Club, property owner, stated that he was under the impression that the property was zoned RE-1. Mr. Stoddard stated that they felt it was time to sell even though he has already moved off of the property. Mr. Stoddard stated that he would appreciate any consideration.

Wynn Allen, 102 Hart Road, stated that he would like the property to stay RE-3 with the openness and green spaces.

Leslie Knight, 841 Beechwood, stated she would like it to remain at three acres as the town's master plan indicates.

Michael Pezzulli, 880 Country Club, stated that he is the most impacted by the property. Mr. Pezzulli stated that he is not opposed to development, but his concern is the overall impact on the surrounding community.

Wayne Spence, 1041 Country Trail, stated he is vigorously opposed until a traffic plan is done.

Claudia Salinas, 900 Hart Road, would like it to remain three acres as well as concern for the traffic on Hart Road.

Elise Robinson, 821 Beechwood, stated her concern is the ongoing development and population shift. She would like to see the openness and country feel maintained.

Brian Andrews, 861 Beechwood, stated that he would like to see the zoning stay the same at RE-3. The only benefit is the money for the schools.

Maurice Laverdure, 881 Beechwood, would like it to remain RE-3 and presented signatures from the HOA that are opposed of this request.

Bruce Kelly, 800 Country Club, stated that three acres are not as valuable as one acre lots. Mr. Kelly stated the town's zoning map is not reflective of current zoning of what's there today. He would like there to be consistency and is opposed based on the denial of his request nine months ago.

Tom Greenwald, 871 Beechwood, stated that the town should stay with the plan and maintain the RE-3 zoning.

Danny Gremillion, 851 Beechwood, stated that he was at the meeting in 2007 that the commission wanted to keep the RE-3 zoning. The RE-1 zoning is inappropriate.

Stephanie Hunt, 980 Briardale, stated her concern is the traffic along Hart and Country Club Road. She would like the property to stay zoned RE-3.

Jim Hathaway, 971 Hart Road, stated he knew there would be development, but would like the zoning to be upheld.

Barbara and Gary Isaacs, 811 Beechwood, stated they would like the property to remain RE-3. They would like to see some green belt areas and consistency with other neighborhoods.

Chairman Northcutt closed the public hearing and opened the discussions to commission members.

Commissioner Rushing stated that he cannot support the request. He would like it to remain RE-3.

Commissioner Faulkner asked why the RE-2 and RE-3 zoning will not be supported. Mr. Raymond replied that it is the cost to develop and that they would be pricing themselves out of the market.

Commissioner Flood stated that she is not in favor of changing the zoning, but believes there is a market for two acre properties.

Commissioner Friend agreed with Commissioner Flood. He would like the town to maintain the density as it is zoned.

Commissioner Hager stated she agrees with all that has been said. She is hesitant to reevaluate the plan, but believes they should strengthen the language of the values and focus on the CPDD.

Chairman Northcutt stated that they should look at the uniqueness of each property and encourage builders to be creative using open spaces, trails, etc.

Commissioner Friend made a motion to deny without prejudice a request to amend the land use designation and zoning for a 32.668± acre tract of land that is generally located north of Hart Road and 500' west of Beechwood Lane, which is currently, zoned Three-Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC). Commissioner Rushing seconded that motion and the motion was unanimously approved.

- 4. Continue a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed office development of a 3.4± acre tract of land situated in the John Taylor Survey – Abstract No. 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located at the northeast corner of the State Highway 5 and Lakeridge Drive intersection.**

Mr. Schmidt stated that the applicant for this request is Mr. Bryon Reid, President of M Christopher Homes and is applying on behalf of the property owners Troy McGee who owns the two acre tract and Mosaic Christian Fellowship Church who own the 10.3 acre tract. The purpose of this Concept Plan is to provide for a

conceptual layout for a proposed four building office development for general office uses, which is a land use that is permitted by right under the current zoning. M Christopher intends to occupy the Phase 1 building and the tenants for the other three have yet to be determined. Mr. Schmidt outlined the surrounding zoning and land uses as well as vehicle access, traffic impact, utilities, parking, and landscaping. Mr. Schmidt stated that staff received two letter of support and one in opposition to this request. Town staff recommends approval of this Concept Plan conditioned upon the provision of a 10' landscape buffer at the southern boundary of Phases 2 and 3, and the eastern boundary of Phase 4, and the provision of building foundation planting areas for at least 30% of each building's perimeter.

Chairman Northcutt opened the public hearing.

Mr. Reid, applicant, stated that the intent is that the first building will be their corporate office, and to conform to the uses designated.

Matt Richardson, 581 Bluebonnet, stated he is concerned about SH 5 and the traffic and having turn lanes.

Frank Moore, 412 Plumwood Way, stated his concern is drainage and protecting against mosquitos.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Friend asked if they are doing Phase I and II first and building height of each. Mr. Reid replied that Phase I and IV are one story buildings and Phase II and III are two story buildings. The rooflines on I and IV will not have an impact and will be using lots of stone.

Commissioner Flood stated that she believes it will be a nice fit for the area.

Commissioner Rushing stated that he cannot support this request. Commissioner Rushing stated that in his opinion, every piece of commercial along SH 5 will delay Fairview Parkway, and is concerned about the commercial area being empty.

Chairman Northcutt asked how they will get water to a retention basin and why they chose this area of town over another. Mr. Reid responded that they will use a culvert for the drainage and they own part of the property and feel that it would be a good fit for the area.

Commissioner Friend made a motion to approve a Concept Plan for a proposed four building office development located at the northeast corner of SH 5 and Lakeridge Drive, conditioned upon the provision of 10' landscape buffer at the southern boundary of Phase 2 and 3, and the eastern boundary of Phase 4, and provision of building foundation planting areas for at least 30% of each building's perimeter. Commissioner Flood seconded that motion. The motion passes with a vote of 5-1 with Commissioner Rushing opposing.

- 5. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed office and retail development on a 6.013± acre tract of land situated in the John Taylor Survey – Abstract 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located east of the State Highway 5 and Fairlanding Avenue intersection.**

Mr. Schmidt stated that the applicant for this Concept Plan has requested to postpone to the next regular scheduled commission meeting in December.

Commissioner Faulkner made a motion to table a Concept Plan for a proposed office and retail development until date certain of December 12, 2013. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 6. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for an accessory structure on a 2.00± acre property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 330 Kentucky Lane, being Lot 3 of the Roberts Addition to the Town of Fairview.**

Mr. Brewer stated that the subject property is two acres in size and currently contains one single-family residence and no accessory structures. The applicant and owner, Mr. Rob Ficken is requesting to exceed the maximum accessory building footprint by 600 SF by building a 60' x 40' workshop/storage building. The applicant is also requesting a reduction in the roof pitch from 4:12 to 2:12 along with locating the building approximately 25' from the primary structure, while the town requires a setback of 40'. Mr. Brewer notated that with the proposed request the total lot coverage would come to 12%, which is still well below the 25% maximum. Mr. Brewer stated that the town has only received one letter of opposition regarding this request and is asking the commission to make a recommendation on this CUP application.

Chairman Northcutt opened the public hearing.

Mr. Ficken, applicant and property owner, stated that he would like to have an area to store items as well as work on projects such as restoring old cars and tractors. Mr. Ficken stated that what he is proposing would match existing neighbors and felt that it would fit in with the others. He respectively asked for approval of his request.

Chairman Northcutt closed the public hearing and opened discussion to commission members.

Commissioner Flood asked if he was adding any additional landscaping. Mr. Ficken responded that he has no plans to since there was already a heavy amount of natural screening that exists. Chairman Northcutt commented that he would like to see some landscaping on the front side of the building to soften the corners maybe by using some trees and/or shrubs. Commissioner Hager agreed especially if an effort is made to blend in with the house.

Commissioner Flood made a motion to approve a Conditional Use Permit for the installation of a workshop at 330 Kentucky Lane with the condition that landscape will be added to the front of the building facing the street for additional screening. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

- 7. Continue a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for Lot 4 of the Country Club Estates subdivision, a 2.85± acre lot which is currently zoned Two-Acre Ranch Estate (RE-2) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, and generally located at the southeast corner of Country Club Road (FM 1378) and Red Oak Trail; to the Residential Estate (RE) land use designation and the One-Acre Ranch Estate (RE-1) Zoning District, generally, in order to add an additional single-family residential lot.**

Mr. Schmidt stated that at the October meeting the commission acted to postpone the review of this application to January 2014 and requests the commission continue the public hearing until that meeting.

Commissioner Faulkner made a motion to continue the public hearing to date certain of January 9, 2014. Commissioner Flood seconded that motion and the motion was unanimously approved.

8. Discuss policies and procedures for the conduct of planning and zoning commission public hearings.

Mr. Schmidt asked for any feedback from the commission regarding the guidelines for their meetings.

Commissioner Friend requested to remove the last two sentences within 2b. Commission members agreed.

Commission members also agreed to remove the last paragraph under number two.

9. Receive a report from staff on the status of recent planning cases.

Mr. Schmidt stated that at the most recent council meeting, council denied with prejudice the K Hovnanian request with a 4-3 vote; Chase Oaks church was approved, and the Conditional Use Permit(s) were also approved.

10. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will consider and take action regarding the town's annual Tree City USA Recertification Application, and take any necessary action.

Mr. Brewer stated that town staff has completed the four standards required by the Arbor Day Foundation to recertify the town's Tree City USA designation. Mr. Brewer stated that since all requirements have now been met, the town can submit its application to the Foundation if the commission acting as Tree Board approves the application.

Commissioner Friend made a motion to approve the Town of Fairview's Tree City USA recertification application. Commissioner Hager seconded that motion and the motion was unanimously approved.

11. Adjourn.

Chairman Northcutt adjourned the meeting at 9:29 p.m.

Respectfully submitted,



Michelle Lewis Sirianni
Town Secretary



Brad Northcutt Chairman
Planning and Zoning Commission



**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, DECEMBER 12, 2013**

The Planning and Zoning Commission met in regular session on Thursday, December 12, 2013 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Pat Friend, Renee Powell, Brad Northcutt, and Jim Rushing. Staff members present were Planning Manager, Ken Schmidt; and Town Secretary, Michelle Lewis Sirianni. Commissioners Heather Hager, Matt Faulkner, and Debbie Flood were 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 November 14, 2013 Planning and Zoning Commission meeting.

Commissioner Powell stated that she called in a few corrections prior to the meeting. Commissioner Friend stated that town is misspelled on page four.

Commissioner Friend made a motion to approve the minutes as amended for the November 14, 2013 commission meeting. Commissioner Rushing seconded that motion and the motion was unanimously approved.

2. Statement of rules.

Chairman Northcutt passed over the reading of reading of the public hearing guidelines due to not having any audience members.

3. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed office and retail development on a 6.013± acre tract of land situated in the John Taylor Survey – Abstract 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located east of the State Highway 5 and Fairlanding Avenue intersection.

Mr. Schmidt stated that the applicant for this Concept Plan has requested to withdraw their application so that they can take part in the update process for the CPDD Master Plan. The applicant will be meeting with the town's planning consultants this week to discuss the property.

Chairman Northcutt opened the public hearing. No comments were made and the public hearing was closed.

Chairman Northcutt opened discussion to commission members. No comments were made.

Commissioner Powell made a motion to approve a request to withdraw a Concept Plan for a proposed office and retail development. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 4. Continue a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for Lot 4 of the Country Club Estates subdivision, a 2.85± acre lot which is currently zoned Two-Acre Ranch Estate (RE-2) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, and generally located at the southeast corner of Country Club Road (FM 1378) and Red Oak Trail; to the Residential Estate (RE) land use designation and the One-Acre Ranch Estate (RE-1) Zoning District, generally, in order to add an additional single-family residential lot.**

Mr. Schmidt stated that at the October meeting the commission acted to postpone the review of this application to January 2014 and requests the commission continue the public hearing until that meeting. The applicant is pursuing rezoning and in order to enable the property to be replatted to be subdivided, the applicant is seeking a variance from surrounding property owners from the deed restrictions.

Chairman Northcutt stated the public hearing remains opened.

Commissioner Rushing made a motion to continue the public hearing to date certain of January 9, 2014. Commissioner Powell seconded that motion and the motion was unanimously approved.

5. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 9.994± acre tract of land situated in the Calvin Boles Survey – Abstract No. 28 that is generally located south of County Road 317 and 100' east of Wilson Creek.

Mr. Schmidt stated that the subject property is located in the town's Extra-Territorial Jurisdiction (ETJ). The property owner is Mr. Rob Haines. The purpose of this plat is to subdivide the property. The property was not platted at the point of sale and this is merely fulfilling a real estate transaction and not to further develop the land. The town has the authority to enforce its subdivision regulations, but cannot enforce land use regulations as this property has not been annexed by the town. Mr. Schmidt stated that the town engineer has not requested any right-of-way dedications at this time, but the Town Manager would like to explore this further working with the applicant; therefore, recommends approving conditioned upon the town working with the applicant and surveyor to acquire right-of-way.

Commissioner Friend asked what the purpose of the plat is. Mr. Schmidt responded to divide the property into one two acre and one eight acre parcel. This is a real estate transaction only.

Commissioner Friend made a motion to approve the Final Plat for the Haines Addition conditioned upon the further exploration of right-of-way dedication. Commissioner Powell seconded that motion and the motion was unanimously approved.

6. Receive a report from staff on the status of recent planning cases.

Mr. Schmidt stated the Concept Plan regarding the office buildings was approved by council and the rezoning case from RE-3 to RE-1 was denied without prejudice.

7. Adjourn.

Chairman Northcutt adjourned the meeting at 7:17 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Brad Northcutt
Brad Northcutt Chairman
Planning and Zoning Commission

