

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, JANUARY 12, 2012**

Chairman Campbell called the meeting to order at 7:01 p.m. Commission members present were Ricardo Doi, Renee Powell, Paul Hendricks, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Community Development Manager, Ray Dunlap; Management Intern, Jon Skuta, and Town Secretary, Michelle Lewis Sirianni. Commissioner Tom Supan was absent.

**1. Consider and take action regarding the minutes of the December 8, 2011 Planning and Zoning Commission meeting.**

Commissioner Powell and Doi stated they called in corrections prior to the meeting.

Commissioner Powell made a motion to approve the minutes of the December 8, 2011 meeting as amended. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action regarding sports courts, batting cages, and similar structures.**

Mr. Dunlap introduced this item stating that staff took the commission's recommendations and has brought back items for consideration. Mr. Dunlap stated per the commission's request, the definition of a driveway has been included to state that it is not considered a sports court.

Mr. Dunlap stated the recommendations for sports courts from the last meeting were:

1. Zoning Districts RE-1 through RE-3 and AG could permit by right and all others would require a Conditional Use Permit (CUP).
2. A permit would be required, which would include a submittal of a Site Plan that included drainage, landscaping, colors, etc. If a fence should be desired, then details including color would need to be submitted.
3. Prohibits any commercial oriented-uses. The use would be for the family members, guests of the family members, and private trainings for a family member.

4. The setbacks would be the same as the primary structure.
5. The court color would be earth tone colors to match the ground the best as possible.
6. The fence height would be a maximum of 10' at the ends with that height extending no more than 25% down the sides, towards the middle, preferably sloping to the final height, which should be a maximum of 4'.
7. The fence material would be made of a hard plastic or vinyl, lattice in design or vinyl chain link.
8. The fence color would be green or black.
9. The landscape screening would be evergreen plantings covering 100% of the court, with the exception of the ingress and egress point.
10. Lighting by right.

Mr. Dunlap stated that town staff is recommending lighting be by the Conditional Use Permit because it tends to be a contentious issue and neighbors would be notified, which would provide greater flexibility depending on the area and also give the commissioners and ultimately Town Council final approval.

Mr. Dunlap stated for batting cages, that they be by right without a permit being required, setbacks the same as the accessory building setbacks and netting being the preferred material to cover the cage.

Commissioner Hendricks asked if a resident had an unorganized church function at their house, would they still be allowed to have activities on the sport court. Mr. Dunlap responded that if it would be a formal and/or structured event, then no, but if a game happened to break out, then yes, it's allowed. Commissioner Northcutt asked if teaching lessons were permitted. Mr. Dunlap responded if they are brought in for a private lesson for someone who lives at the residence, then yes, but if it's for lessons for individuals that do not reside at the residence, then no it is not permitted.

Commissioner Northcutt asked if it was better to have and/or use a natural tone for the fence versus black or green. Commissioner Flood suggested a brown tone for vinyl fence coloring.

Commissioner Hendricks asked why batting cages were excluded from needing a permit. Commissioner Hendricks asked what if it was a pitching machine with a light on it and he believes that there should be a permit required in this case. Commissioner Hendricks asked if resident requested lights for a batting cage, would this require a permit. Commissioner Doi commented that he has no issue in requiring a permit if lights are requested.

Chairman Campbell asked if there are any tennis courts after 2009 that would be grandfathered or if they are already built and in use do they become a legal non-conforming use. Mr. Efrussy responded that legal consultation may be required, but it is his understanding that they would become a legal non-conforming use.

Commissioner Doi asked if 100% screening was required at the time of planting or was there a time-frame to have screening completed. Commissioner Northcutt asked what if the yard/land was already covered with trees and couldn't be seen by neighbors. Mr. Efrussy responded that they can create language for landscape flexibility since the maturity of species may vary. Commissioner Doi requested that the ordinance still have a mechanism to allow additional landscaping if needed and believes the landscaping should be approved by staff. Chairman Campbell agreed with Commissioner Doi.

Commissioners discussed the landscaping and its coverage depending on size of the fence and/or no fence.

Chairman Campbell opened the public hearing.

Garrett Lacara, 380 Forest Oaks Court, stated that ivy has been the best landscape coverage he has seen, but takes time to mature depending on the environment. Mr. Lacara stated that he has seen several properties with berms, which provides more sound and sight barrier. Mr. Lacara commented that if natural color tones are a preference, then we should also consider gray and brown for fence colors. Mr. Lacara stated that the idea and/or intent are in place and should leave control to the Planning Department.

Neal Dandona, 411 Palomino Way, asked about screening particularly the side that would face the primary structure. Dr. Dandona requested that language be improved depending on how the sports court sits on the property. Dr. Dandona stated that he believes that the use of lighting should be by right and the commissioners should have a base line that is acceptable as a built in safeguard.

John Johnson, 441 Palomino Way, stated that the size of the sports courts should determine if the sport court should be by right or need a Conditional Use Permit. Mr. Johnson stated that his concerns include the 25% of impervious surface, the elevation of the court and if grade needs to be discussed, setbacks, and lights, which he believes do not belong within a neighborhood, but if they end up being allowed, then there needs to be a height restriction, and dedicated hours of operation. Mr. Johnson stated that the screening of the court needs to be not just from the street, but from other properties and is concerned with maximum 10' requirement. Mr. Johnson asked for clarification on how the fence would be measured, whether it would be from the ground or slab. Mr. Johnson requested that the staff update and bring back recommendations to the Planning and Zoning Commission prior to council.

Dean Voight, 1711 Ashcroft, stated that he believes lights should be allowed since a third of the year it gets dark early. Mr. Voight stated that a time frame could be established on how long lights can stay on. Mr. Voight stated that he is in favor of residents using their property as they wish.

Marlo Ballard, 130 Horseshoe Bend, stated that she is also in favor of using their property as they wish and in favor of lighting if within reasonable operation hours.

Delores King, 950 Patrician Court, stated that she serves on the Architectural review Committee for her HOA board and is also a realtor. Ms. King stated that there are various lot sizes within Oakwood and knows of at least three sports courts within her neighborhood. Ms. King stated that they should be allowed and they don't seem to bother her neighbors. Ms. King suggested that the screening be from the street and sides, but not visible as to allow homeowners to watch activity that may be taking place.

Cindy Keil, 890 Quail Rise, stated that they chose Fairview for the open lots and supports the sports courts idea with the landscaping.

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

Commissioner Northcutt suggested that lighting be by right with the standards placed within the ordinance. Mr. Dunlap commented that per the town engineer, it is recommended that the recreational sports courts have a maximum pole height of 20 ft. and maximum candle foot height of 10 ft. and have no bleeding past the property line.

Chairman Campbell commented that it is difficult to write an ordinance to cover everyone and all scenarios. Therefore, he suggests that a Conditional Use Permit be used. Commissioner Powell stated that she is okay with the sports courts being by right with town staff reviewing landscaping.

Commissioner Hendricks stated that the town does have the dark skies ordinance, which he believes as long as the neighbors are not disturbed, and then he is okay with lighting. Commissioner Hendricks stated that he likes the use of the Conditional Use Permit so that neighbors know what's going on within their surroundings. Commissioner Hendricks also questions whether there needs to be a distinction between a small and large sports court.

Commissioner Flood stated that she likes the idea of using the Conditional Use Permit, which would place the responsibility back on the homeowner. Commissioner Flood also agreed that maybe there needs to be a size distinction of the sports courts.

Commissioner Northcutt stated that he is okay with town staff reviewing landscaping and screening, but believes that if a Conditional Use Permit is used for the lighting that the lighting plans be submitted and reviewed as part of the sports court plan and be done all at the same time.

Commissioners agreed on the following:

1. Zoning Districts RE-1 through RE-3 and AG could permit sports court by right and all other zoning districts would require a Conditional Use Permit (CUP).
2. A permit would be required, which would include a submittal of a site plan that included drainage, landscaping, colors, etc. If a fence should be desired, than details including color would need to be submitted.
3. Prohibits any commercial oriented-uses. The use would be for the family members, guests of the family members, and private trainings for a family member. The setbacks would be the same as the primary structure.
4. The sports court setbacks will be the same as the primary structure.
5. The court color would be approved by town staff.
6. The fence height would be a maximum of 10' at the ends with that height extending no more than 25% down the sides, towards the middle, preferably sloping to the final height, which should be a maximum of 4'.
7. The fence material would be made of a hard plastic or vinyl, lattice in design or vinyl chain link.
8. The fence color would be green, black or brown, subject to staff approval.
9. The landscape screening would be evergreen plantings screening away from properties and public streets, subject to staff approval.
10. The lighting would require a Conditional Use Permit.

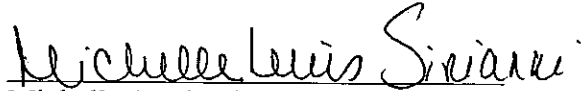
The commissioners also agreed that batting cages would have the same setbacks as accessory uses per zoning district; if lighting was desired, a Conditional Use Permit would be required; and, if a permanent or non-portable fence was desired, then the applicant would adhere to the screening requirements for a sports court.


Commissioner Doi made a motion to approve the sports courts and batting cages as outlined above. Commissioner Flood seconded that motion and the motion was unanimously approved.

3. Adjourn.

Chairman Campbell adjourned the meeting at 9:19 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary

  
Brayton Campbell, Chairman  
Planning and Zoning Commission



**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, FEBRUARY 9, 2012**

Chairman Campbell called the meeting to order at 7:03 p.m. Commission members present were Tom Supan, Ricardo Doi, Paul Hendricks, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioners Renee Powell and Brad Northcutt were absent.

**1. Consider and take action regarding the minutes of the January 12, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Hendricks made a motion to approve the minutes of the January 12, 2012 meeting as amended. Commissioner Supan seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of an accessory building for a workshop and garage, to be located at 1381 Camino Real.**

Mr. Wilbourn introduced this item stating that the subject property is annexed and zoned Planned Center (PC) and consists of approximately 1.955 acres in size. Mr. Wilbourn stated that the applicant is requesting to construct a detached accessory building to serve as a garage/workshop. It would provide interior parking for an RV, boat, up to three cars for the applicant's daughters, tractor, sixteen foot trailer, tiller, gardening equipment, and two riding lawn mowers. Mr. Wilbourn stated the building would also serve as a small workshop for personal use. Mr. Wilbourn stated that due to the zoning and lot size, the lot is being held to the RE-1 standards regarding accessory buildings. Mr. Wilbourn commented that as indicated by the applicant on the Site Plan, he will be removing all existing accessory structures on the property.

Mr. Wilbourn stated that due to the size of the proposed building, the applicant is requesting three variances. The three variances are: requesting an additional 240.5 square feet, an additional five feet into the setback since there is an encroachment, and additional feet since height of the building exceeds maximum height

requirements due to the roof pitch to allow for the RV to fit within the building. Mr. Wilbourn stated that the applicant has agreed to provide additional landscaping to soften the view from the street, which will be approved by town staff. Mr. Wilbourn added that letters of notification went out to surrounding neighbors and no feedback has been received, but the applicant has talked to surrounding neighbors and he has received letters of support from all, and they are included in the documentation submitted by the applicant to the commission.

Mr. Wilbourn stated that town staff recommends approval of the Conditional Use Permit (CUP) and the three variance requests for the proposed accessory building as submitted in the Site Plan dated January 27, 2012, conditioned upon staff approval of landscaping along the southern, western and eastern facades of the accessory building, as well as other conditions stated in the submitted Site Plan.

Chairman Campbell opened the public hearing.

Jerry Pate, 1250 Alto Vista, stated that he thinks the building is a good idea and would be an improvement.

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

Commissioner Hendricks asked about the encroachment of the building and if it was needed. Mr. Wilbourn replied that the building will be parallel to the house and if it is pushed to the right, then the accessibility becomes difficult and the neighbors view is more intrusive.

Commissioner Doi asked if the drainage line on the Site Plan was a swale or ditch. Mr. Chancellor responded that it is a natural swale and is not very pronounced and just a depression, but it is best to keep structures out of it so that it does not affect drainage.

Commissioner Doi asked if there would be any potential problems with the canopy trees or would any mitigation be helpful to preserve them. Mr. Chancellor responded that he will depend on what kind of tree it is and how durable it is, but typically tree roots will preserve under 75% of the drip line and as long as there is no fill half way to the drip line from the tree trunk it will survive; however, the town's tree ordinance does allow for a citizen to remove a tree if necessary.

Commissioner Doi stated he would like to add the windows as a condition; that is, establish the windows as shown on the application.

Chairman Campbell asked the applicant if he had a timeframe in mind as to when the project would be completed and if he was tearing down the other accessory buildings first or would they be left until the new one was complete. Mr. Edgar, who is the applicant, responded that the east-most building would come down first, but the others would likely stay until the new one was complete. Mr. Edgar stated that if approved, then he would like to start as soon as possible.



Commissioner Doi made a motion to approve the Conditional Use Permit and the three variance requests for the proposed accessory building as submitted in the Site Plan dated January 27, 2012, conditioned upon staff approval of landscaping along the southern, western, and eastern facades of the accessory building, make ridge windows as shown in the application packet required, that the accessory building itself doesn't encroach more than 25% into the drip line of the existing tree on the NE corner of the accessory building, as well as other conditions stated in the submitted Site Plan and applicant packet. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

**3. Consider and take action regarding a Temporary Use Permit at 4600 Central Expressway for a construction trailer and associated storage structures requested by Greener Pastures Landscape, Inc.**

Mr. Efrussy introduced this item stating that the subject site is comprised of 14.643 acres and the applicant is requesting a Temporary Use Permit (TUP) for one year for construction trailers and associated storage structures. Mr. Efrussy stated that the applicant has requested that the uses be reviewed by town staff, with recommendation to and final approval by the planning and zoning commission, which is the requirement to address TUP's for construction trailers for projects off the TUP site. Mr. Efrussy stated that the project is for landscaping and irrigation that includes the 121 and 75 interchange with the hours of operation being Monday through Friday, 7:00 a.m. to 5:00 p.m. and on Saturday, if necessary, from 7:00 a.m. to 5:00 p.m.

Mr. Efrussy stated that town staff recommends approval of the Temporary Use Permit for one year and the associated Site Plan (dated February 9, 2012), and the project components as submitted.

Commissioner Doi asked if there was any concern about storm water pollution since the NE corner of the equipment storage slopes away. Mr. Chancellor responded that since there is no loose sand or chemicals exposed, then it would not be a concern. Commissioner Doi asked if they can require anything to help contain leaking vehicles or can a provision be made to have site inspections by staff to check vehicles. Mr. Chancellor responded that they could do site inspections to check vehicles, but they do not have to require anything specific to help contain any vehicles that could leak.

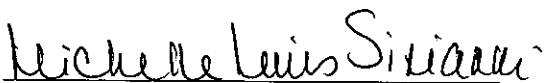
Chairman Campbell asked what the distance was from the access road to the gate. Mr. John Brown, who is the applicant, stated that it's roughly 425 feet. Mr. Brown commented that the soil components will be left on the highway near the project and the materials will be brought out and back each day, so that the TUP property site does not get unsightly.

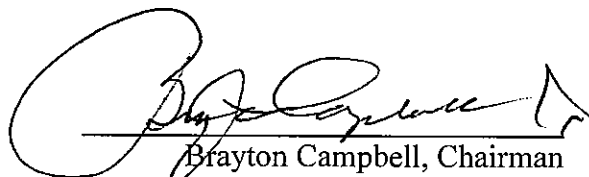
Commissioner Hendricks made a motion to approve the Temporary Use Permit for one year along with the associated Site Plan (dated February 9, 2012), and the project components as submitted with the conditions that any equipment that is stored or parked on site shall be inspected and be free of oil containments and/or leakage. Commissioner Doi seconded that motion and the motion was unanimously approved.

4. Adjourn.

Chairman Campbell adjourned the meeting at 7:38 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary

  
Brayton Campbell, Chairman  
Planning and Zoning Commission



**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, MARCH 8, 2012**

Chairman Campbell called the meeting to order at 7:03 p.m. Commission members present were Tom Supan, Ricardo Doi, Paul Hendricks, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioners Renee Powell and Brad Northcutt were absent.

**1. Consider and take action regarding the minutes of the February 9, 2012 Planning and Zoning Commission meeting.**

Commissioner Northcutt made a motion to approve the minutes of the February 9, 2012 meeting. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of two accessory buildings; one being a detached primary garage/storage/small hobby shop and the other a greenhouse, to be located at 550 Cottonwood Place.**

Mr. Wilbourn introduced this item stating that the subject property is located with the Foxglen subdivision and is approximately 1.546 acres in size with a primary structure under construction. Mr. Wilbourn stated that the applicant is requesting to construct two accessory buildings; one being a detached garage to serve as a two car garage/storage/small hobby shop and the other a greenhouse. Mr. Wilbourn stated the greenhouse would allow the applicant to plant various types of vegetation year-round. Mr. Wilbourn stated based on the applicant's RE-1 zoning and the acreage, he is allowed a potential 1,391 square feet for accessory buildings. The detached primary garage being 1,035 square feet, which is 135 square feet over the 900 maximum allowed by the RE-1 zoning district, which would therefore require the Conditional Use Permit (CUP). Mr. Wilbourn stated the greenhouse is 140 square feet and private greenhouses are a permitted accessory use through approval of a CUP.

Mr. Wilbourn stated along with the CUP's, the applicant is requesting two variances. The applicant would like to place the primary garage on the east side of the primary structure and the greenhouse on the south side of the proposed primary detached garage/storage building/small hobby shop, which by the Fairview Code of Ordinances, accessory buildings are usually placed to the rear of the primary structure. Mr. Wilbourn stated that the applicant's property on the western portion falls within the 100 year flood plain, which stretches all the way to the rear of the property. There are also several trees behind the primary structure the applicant would like to preserve. Mr. Wilbourn stated the applicant has agreed to plant additional landscaping along the berm to block the view and also to plant several 14' trees on the northeast corner, which would be approved by staff. Mr. Wilbourn added the materials will mimic or be the same as the primary structure.

Mr. Wilbourn indicated that notifications were sent out and that he only received two inquiries, which were neither positive nor negative, and that they were information requests only.

Mr. Wilbourn stated that staff recommends approval of the Conditional Use Permit (CUP) and the two variance requests for the two proposed accessory buildings as submitted in the Site Plan dated February 29, 2012, conditioned upon staff approval of the landscaping to be located on the top of the berm located on the eastern side of the property that will totally obscure the view of both accessory buildings, as well as other conditions stated in the submittal Site Plan and letter submitted by the applicant dated February 29, 2012.

Commissioner Northcutt asked if there was a way to soften the green house with additional landscaping from the view from the road. Mr. Wilbourn stated that height of the greenhouse in comparison to the height of the berm will not be exceeded, but if the commissioners choose or the applicant agrees to add landscaping, then they can add that as a condition to the approval.

Mr. Vanoy Hooker, applicant and owner, stated that he can plant a free standing lattice with rose bushes to help screen greenhouse. Mr. Hooker added that the landscaping that they end up choosing will be of something that requires little water. Chairman Campbell asked if the 14' trees would be evergreens or something else. Mr. Hooker responded that they would be trees large enough to hide view of the bridge and cars.

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

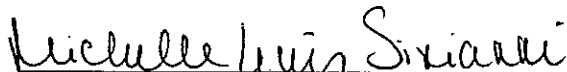
Chairman Campbell opened discussion to commission members. No additional comments were made.

Commissioner Northcutt made a motion to approve the Conditional Use Permit (CUP) and the two variance requests for the two proposed accessory buildings as submitted in the Site Plan dated February 29, 2012, conditioned upon staff approval of the landscaping to be located on the top of the berm located on the eastern side of the property that will totally obscure the view of both accessory buildings, and to provide additional landscaping around the greenhouse, as well as other conditions stated in the submittal Site Plan and letter submitted by the applicant dated February 29, 2012.

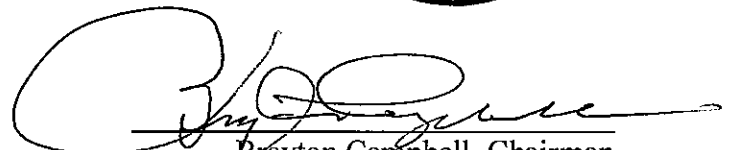
**3. Adjourn.**

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

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, APRIL 12, 2012**

Chairman Campbell called the meeting to order at 7:05 p.m. Commission members present were Ricardo Doi, Renee Powell, Paul Hendricks, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioner Tom Supan was absent.

**1. Consider and take action regarding the minutes of the March 8, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Northcutt made a motion to approve the minutes of the March 8, 2012 Planning and Zoning Commission meeting. Commissioner Powell seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of a sports court (tennis court) to be located at 760 Stallion Drive.**

Mr. Wilbourn introduced this item stating that the subject property is zoned RE-1 and currently includes a primary structure and a swimming pool with a deck. Mr. Wilbourn stated that the applicant is requesting to construct a 35'x70' sports court. The applicant wishes to have no lights or fencing around the proposed sports court and has verbally indicated as well and has placed on the Site Plan that landscaping will be used to soften the view of the tennis court. Mr. Wilbourn stated that the applicant submitted a packet containing an impervious surface form, a letter from the applicant, an example of the proposed cement color shade, and a letter from a neighbor. Mr. Wilbourn stated that the applicant is requesting one variance to allow for an impervious surface coverage of 28.5 percent. This exceeds the town's twenty-five percent impervious surface maximum as set forth in the town's Code of Ordinances by 3.5 percent. Mr. Wilbourn stated that staff received no inquiries regarding the CUP request. Mr. Wilbourn stated that town staff has reviewed this project and does not support the approval of the CUP request made. It is the opinion of town staff that the twenty-five percent impervious surface maximum should be adhered to and that by allowing the applicant to exceed the town's maximum would be creating a precedent, which

could have an adverse impact on subdivisions across the entire town. Mr. Wilbourn stated that it could impact the water drainage on surrounding properties as well as promote a decrease in the openness of the lots in our community. Mr. Wilbourn stated that if the commission wishes to grant approval then staff is recommending additional landscaping on the north and south sides of the sports court to help screen it from future neighbors. Mr. Wilbourn stated the staff recommends denial of the Conditional Use Permit and the one variance request for the proposed sports court (tennis court), as submitted in the Site Plan dated April 4, 2012.

Commissioner Doi stated in regard to drainage he sees that there is a 30' rear easement on the subject lot and asked if this is the same for all lots on Stallion Drive. Mr. Chancellor responded that there is a 30' easement that has lot to lot drainage in the rear of his property. Commissioner Doi also asked if the applicant wanted lights since the letter indicates that lights are being requested, but that it was indicated in their memo that no lights will be installed. Mr. Smith, applicant and owner, responded that initially the applicants did request lights, but after learning of the Dark Sky Ordinance, the lights were removed. Commissioner Doi asked who fills out the impervious surface form. Mr. Wilbourn responded that the builder filled out this one. Commissioner Doi requested staff to consider either a surveyor or engineer sign off on these.

Commissioner Powell asked what the minimum playing size of a tennis court was. Mr. Smith responded that the size requested (35'x70') is not regulation size, but reducing it any further would not be worth it.

Chairman Campbell asked if there were any reasons that the applicant(s) didn't check in advance to see if any modifications could've been done prior to the initial request, especially if it something they'd like to have. The applicants indicated that they did not check this.

Chairman Campbell opened the public hearing. Abe Smith, 760 Stallion, responded that he didn't know of the impervious surface requirement and that if he would've know of this requirement, he would've taken away other things they've built including part of the circular driveway and part of the pool deck. Mr. Smith stated that a regulation court size is 60'x106' and narrowed down the size to a minimum on his property. Mr. Smith added that they plan on adding additional landscaping that will be evergreen and full, but also cost effective. Mr. Smith stated that they are open for suggestions.

Commissioner Northcutt asked what layout they will use since there will be no fencing. Mr. Wilbourn responded that they will landscape with trees to keep it as low profile as possible.

Commissioner Hendricks stated that he is on the edge regarding the project. Commissioner Hendricks stated his concern is about setting precedence. Commissioner Hendricks asked if it was possible to make the court any smaller or use a more porous surface to help absorb any water. Mr. Smith responded that

they have scaled the size of the court down already and making it even smaller would not be worth having it and in regard to the surface, the cost of installing a porous surface is very expensive and they looked at other court surfaces, but they are not cost effective. Commissioner Hendricks asked if they have looked at any other areas that could be modified and that he would certainly entertain another concept.

Commissioner Doi asked that if the applicant removed part of the circular drive, could they have enough space. Mr. Smith responded that making any modifications would come down to a financial standpoint and if it was worth changing.

Mike Jarvis, 780 Stallion, stated that he lives two lots down on the same side of the street and that the lot drainage runs rear to the front and doesn't seem to be a problem. Mr. Jarvis stated that he doesn't see the drainage as a problem and in his opinion, the court will blend in and be out of view from the street and that the applicants will still have plenty of room around them.

Charles Greenwood, resident, stated that the lots in this subdivision are large with trees to protect it, so he is in favor of the project.

Chairman Campbell closed the public hearing and asked the commission for any additional comments or concerns.

Commissioner Doi stated that his concern is the impervious surface requirement. Commissioner Hendricks stated that he'd like to see the applicant stay within the code and look at other options. Commissioner Northcutt asked in the last few years, have there ever been any exceptions. Mr. Wilbourn responded that there has never been an issue in a negative way or any issue brought to staff.

Commissioner Hendricks made a motion to deny without prejudice a Conditional Use Permit (CUP) for the development of a sports court (tennis court) to be located at 760 Stallion Drive. Commissioner Doi seconded that motion and the motion was unanimously approved.

**3. Conduct a public hearing and take action regarding a Concept Plan for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.**

Mr. Efrussy introduced this item stating that the proposed center will be located south of town hall. Mr. Efrussy stated that Mr. Bowser, the developer, desires to have this facility constructed and operational by December, 2012. Therefore, staff is presently in the process of reviewing documents and that the concept plan was not part of a complete submission. However, to assist in meeting the developer's goal to open at the end of this year, the town staff, in conjunction



with the EDC/CDC, the commission, and town council, are in the process of expediting the development review procedure. We want to expedite the development procedure while simultaneously meeting required administrative and development procedures. Mr. Efrussy stated that town staff is recommending approving the Concept Plan conditioned upon further review and recommendation based on a complete project submittal from the developer and to leave the public hearing open for additional citizen input at the public hearing at the next commission meeting to be held April 26, 2012.

Chairman Campbell opened the public hearing.

Bill Bowser, developer for the project, provided a brief overview for the commissioner's who were not in attendance at the joint meeting held earlier this week. Mr. Bowser stated that they viewed color samples and exterior elevations. Mr. Bowser stated that the exterior is primarily 72% brick and maximum height will be 23-24' high and 18.5' on the lower side. Mr. Bowser stated that elements from the Village at Fairview and Town Hall are being used to be incorporated into the building.

Commissioner Northcutt asked if the lighting is mission style or more similar to the handout. Mr. Bowser responded it will be similar to the handout, which is a progress-Ashmore style and will follow Town Ordinances.

Commissioner Hendricks asked how food and beverage is handled since there are no kitchens on the plan. Mr. Bowser responded that there are food preparation areas, but not full service kitchens. The food preparation areas include refrigerators, ice machines, and stainless steel counters. Commissioner Hendricks asked if the traffic flow has been assessed since there will be entities bringing food in and out of this area. Mr. Bowser replied that 95% of the events will have less than 250 people and use local catering, which typically is brought in a van, and they have not experienced any problems to date. Commissioner Hendricks asked what the maximum occupancy is and how is parking being addressed. Mr. Bowser replied there is usually nothing over 300 and they are currently working with town staff to formalize the parking. Mr. Bowser commented that they have done internal parking studies and usually it's the 97 to 3 rule. Chairman Campbell asked if they will use the JC Penny parking lot as overflow and how are they differentiating themselves from other similar centers. Mr. Bowser replied that their conference centers are set up as extensions of homes or businesses. They like the space to resemble more like home by using crown molding, and hardwood floors. They also target to more friends and family events.

Commissioner Doi asked how the space is designed and its affordability. Mr. Bowser responded that their Las Colinas facility is slightly larger, but for a twelve hour timeframe for the whole building for the day, would cost \$6400, which includes set up and take down, linens, etc. Mr. Bowser added that they will partner with local flower shops and businesses to use within the facility. Mr. Bowser stated that they are very conscious of the market and budgets that people request and feel that they are competitive. Commissioner Doi asked if the center

would be competitive with places like the Marriot. Mr. Bowser responded 'yes'. Mr. Bowser stated that the center is not corporate focused like most places; they focus on friends and family atmospheres.

Chairman Campbell left the public hearing open.

Commissioner Doi made a motion to approve the Concept Plan for Noah's of Fairview conference center, conditioned upon further staff review and recommendation based on a complete project submittal from the developer and to keep the public hearing open and to be held again on April 26, 2012. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

4. **Conduct a public hearing and take action regarding a Site Plan for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.**

Mr. Efrussy stated that the same comments apply and staff's recommendation is the same for the Site Plan, which is to approve the Site Plan for Noah's of Fairview conference center, conditioned upon further staff review and recommendation based on a complete project submittal from the developer and to keep the public hearing open and to be held again on April 26, 2012.

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

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

Commissioner Doi made a motion to approve the Site Plan for Noah's of Fairview conference center, conditioned upon further staff review and recommendation based on a complete project submittal from the developer and to keep the public hearing open and to be held again on April 26, 2012. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

5. **Conduct a public hearing and take action regarding a Replat for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.**

Mr. Efrussy introduced this item stating that the next element in the planning process is the replat. Mr. Efrussy stated that Mr. Bowser retained Mr. Riley, P.E., who aided in engineering the Village at Fairview site, whom is in the process of creating a replat to submit for the April 26<sup>th</sup> commission meeting. Mr. Efrussy stated that town staff recommends approval conditioned upon further staff review and recommendation based on a complete project submittal from the developer, and continuing the public hearing on April 26, 2012.

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

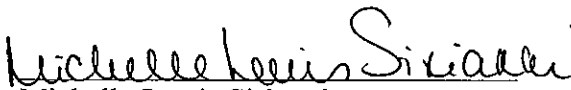
Chairman Campbell opened discussion to commission members. Commissioner Northcutt asked if the boundary is not yet outlined, will the commissioners get to view it. Mr. Efrussy responded that he intends to have the plat for the April 26, 2012 commission meeting. Commissioner Doi asked if the replat is being brought forward to expedite the process and if it meets administrative requirements, then it must be approved. Mr. Efrussy commented that that is correct: if a plat meets a municipality's requirement, it has to be approved.

Commissioner Doi made a motion to table the replat for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K to a date certain of April 26, 2012. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

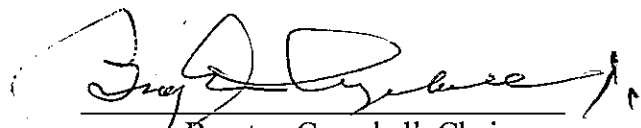
**6. Adjourn.**

Chairman Campbell adjourned the meeting at 8:47p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, MAY 10, 2012**

Chairman Campbell called the meeting to order at 7:01 p.m. Commission members present were Tom Supan, Ricardo Doi, Renee Powell, Paul Hendricks, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Special Projects Coordinator, Ken Schmidt; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni.

**1. Consider and take action regarding the minutes of the April 12, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Hendricks asked the town secretary to review the recordings from this meeting regarding the motions for items three and four. Commissioner Hendricks commented that he doesn't recall using the word 'approve' and thought no formal action was taken on these items. Mr. Efrussy responded that the motion was to keep the public hearing open until April 26, 2012 with conditions of further review of the project by town staff, but that staff would review and make any necessary changes based off the recordings.

Commissioner Doi made a motion to approve the minutes of the April 12, 2012 Planning and Zoning Commission meeting with the corrections and recommendations made the Commissioner Hendricks. Commissioner Powell seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action regarding a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of three- 2.0 acre lots, and five- 1.5 acre lots, and twelve- 1.0 acre lots. This subject property consists of 33.28 acres, is generally located west of Orr Road, south of and adjacent to Stacy Road, east of Country Club Road, and north of the Thompson Springs Subdivision. The property is currently zoned Two-Acre Ranch Estate Zone (RE-2).**

Mr. Schmidt introduced this item stating that this subject property consists of 33.28 acres of land and is currently zoned Two-Acre Ranch Estate Zone (RE-2). Mr. Schmidt stated that the proposed Planned Center (PC) zoning for this property would create a subdivision with a mix of three Residential Estate

Country lots that are two acres in size and 17 Residential Estate lots that range from 1.0-1.5 acres in size, and additionally would have two lots dedicated to floodplain, parkland, and open spaces uses. Mr. Schmidt stated that this proposal conflicts with the vision, goals, and objectives of the town's comprehensive plan. Mr. Schmidt stated that if this development project is approved, it would establish a precedent that may impact future development proposals. Mr. Schmidt stated that the lot layout proposed will require the developer to remove a substantial portion of the existing trees in order to facilitate construction and the developer will be limited with the one acre lots in that the position of the house will affect the existing landscape while still also trying to maintain the appropriate setbacks for the proposed land uses. Mr. Schmidt indicated that staff identified emergency access issues and requested that the developer acquire an emergency access easement on adjacent property to the west of the proposed subdivision, as well as potential line-of-sight issues at the development entryway. Mr. Schmidt stated that the developer proposes to preserve and complement the existing pond and wetlands by funding a walking trail and other amenities as part of the park land dedication requirements. Mr. Schmidt stated that town staff is recommending denial without prejudice, but if the Planning and Zoning Commission elects to approve this proposal, then staff recommends that all requirements of the Development Plan for the PC zone be submitted to staff, with review and recommendation to the commission.

Commissioner Northcutt asked if they knew what kind of trees were on the subject property and if the fire marshal requires two entrances or is it a town requirement and commented that Willow Point subdivision only has one entrance. Mr. Schmidt stated that no tree survey was submitted; therefore, he does not know the specifics on the trees. Mr. Chancellor responded that sometimes geographically it does not allow a subdivision to have two entrances, but would then widen the roads to allow for emergency access, but where it does allow, they will require two entrances. Commissioner Northcutt asked what the width of the streets was within the Willow Point subdivision. Mr. Chancellor responded that the streets are 30' wide.

Chairman Campbell asked about the proposed second entrance to the subdivision and if the town can control one that is shared with another property owner. Mr. Chancellor stated that with an access easement the town can, but without one the town cannot. Mr. Chancellor stated that the applicant has agreed to make some road improvements plus acquire part of the easement from the property owner.

Tommy Thompson, 501 Lakewood, the applicant, stated that the property he'd like to develop is across from the fruit stand and has a real beauty to the property, but is also problematic. Mr. Thompson stated that he has spoken with the owner of the Stover property and they are giving him the access easement needed for the road. He has also received letters of support from surrounding neighbors. Mr. Thompson stated the property will provide the opportunity to have a lake, creek, and connectivity to Beaver Run Park. Mr. Thompson stated that due to the uniqueness of the property and the way the topography changes, he is developing around the natural enhancements of the property. Mr. Thompson stated that he

did look at developing with two acre lots, but was only able to get fifteen lots and would have to do away with a lot of the natural beauty of the land including the trees. Mr. Thompson stated that he is asking for five additional lots in return for a community lake and park connectivity/walking trail for the residents.

Mr. Thompson addressed comments made by staff including tree preservation, the emergency access, line of site issues, and density. Mr. Thompson mentioned that the only precedence this project would create is that the town is willing to ignore its vision for residential development east of Hwy 5 and questions the community values set forth within the town's Comprehensive Plan. Chairman Campbell stated that he believes the word precedent in this case is referring to two acre zoning and if you change the zoning, it opens the door for others to ask for less than two acres. Mr. Thompson stated he has gone through the top goals and objectives of the town and believes he is adhering to those and is building an attractive neighborhood even though the acres are not in line with the current RE-2 zoning.

Commissioner Northcutt asked in regards to the fire access easement if the applicant was planning on extending the road or putting down paving stones and if it was concrete, asphalt or grass-crete. Mr. Thompson replied this has not been defined by the fire marshal at this time. Mr. Chancellor stated that this will be defined at the Site Plan level. Mr. Doi and Northcutt would like to see grass-crete used.

The commission discussed the flood plain that is within the proposed subdivision and how it affects the number of lots that can be proposed with the amenities.

Chairman Campbell opened the public hearing. Carl Hoemke, 1801 Stacy Road stated that he is in support of the proposed subdivision and not concerned about the lot sizes, and is in favor of the park connection.

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

Commissioner Hendricks stated that the issue to address is the land use and the two acres versus what the applicant is proposing. Commissioner Hendricks stated that layout is beautiful.

Commissioner Northcutt stated that he also likes the layout better than the 15 two-acre lots and if they are giving up five lots based on topography than there's not many communities left that have the features that the applicant is presenting with the trees, lake, creek, etc. Commissioner Northcutt likes the larger median versus the single road out and is looking at the proposed community as a Planned Center Zone versus zoning the lots one acre.

Commissioner Flood stated that she believes it's a beautiful subdivision and does not find the fifteen two-acre lots to be as nearly as attractive as what's proposed.

Commissioner Powell stated that it is a good lay out, however; the town's vision of this property is to be two or more acres. The further east you go within the town has larger lots and the proposed plan which is majority one acre lots. Commissioner Powell stated that she agrees with the town's land use plan.

Commissioner Doi stated the he agrees with Commissioner Powell and from a simple zoning stand point. Commissioner Doi stated that he is not concerned about the precedence due to the conditions that will be placed on this project including the park dedication, the lake, and preservation of the trees along the creek. Therefore, if another owner requested smaller lots, which would increase density, he would look for the same type of trade-offs. Commissioner Doi stated that they need to look past the pure zoning and look at the alternative with the amenities that are being included.

Commissioner Supan stated that every property is unique with the opportunities and challenges it presents and precedence is set by what makes sense. Commissioner Supan stated that generally speaking he likes the plan and believes it complies with the town's goals and objectives.

Chairman Campbell stated that he agrees that it is a beautiful piece of property, but his biggest concern is what the change in zoning will do to surrounding property owners especially once surrounding lots could be sold in the future and change of ownership occurs. Chairman Campbell stated that his idea of setting precedence regardless of what the dictionary says is to make a decision that others can look to and take advantage of in terms of what others want to do.

Chairman Campbell asked if any kind of traffic study has been done. Mr. Thompson responded 'no'.

Commissioner Hendricks made a motion to approve the Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of three- 2.0 acre lots, and five- 1.5 acre lots, and twelve- 1.0 acre lots subject to and submission of a landscape plan, buffer plan, securing an easement in writing for the emergency access easement as well as tree preservation easement along the creek line, and subject to park board approval. Commissioner Northcutt seconded that motion.

Motion passes with a 5-2 vote.

- 3. Conduct a public hearing and take action regarding a Concept Plan, Site Plan, and Replat for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.**

This item was passed over; therefore, no action was taken.

- 4. Consider and take action regarding a Final Plat and Landscape Plan for 1281 Stacy Road generally located east of Kentucky Lane, north of Stacy Road, west of Pine Valley Court, and south of Farmstead Street. The subject property is comprised of 6.140± acres and is currently zoned Two-Acre Ranch Estate Zone (RE-2). The proposed Final Plat is comprised of two- 2.0 acre lots and one- 2.063 acre lot.**

Mr. Wilbourn introduced this item stating that this subject property is zoned RE-2 and is 6.140± acres in size. Mr. Wilbourn stated that this property is currently unplatted and the applicant wishes to plat the property as three different lots with all lots being two acres in size or larger. Mr. Wilbourn stated that the park board voted to accept money in lieu of land as part of the park dedication requirement. Mr. Wilbourn stated that staff conducted a formal review of both the Final Plat and the Landscape Plan. The Final Plat has met all legal requirements. The Landscape Plan indicates that the existing tree lines on the eastern and northern boundaries of the property will have its gaps filled in with 6' tall photenias, which adequately meets the buffering requirements. Mr. Wilbourn stated that town staff recommends approval of the Final Plat and Landscape Plan as submitted and contingent upon receiving all park dedication monies.

Commissioner Powell made a motion to approve the Final Plat as submitted and dated April 27, 2012, and also the Landscape Plan as submitted and dated May 1, 2012 with the contingency that all park dedication monies are received in full. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 5. Adjourn.**

Chairman Campbell adjourned the meeting at 8:28 p.m.



*Michelle Lewis Sirianni*

Michelle Lewis Sirianni  
Town Secretary



*Brayton Campbell*

Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, JUNE 14, 2012**

Chairman Campbell called the meeting to order at 7:00 p.m. Commission members present were Ricardo Doi, Paul Hendricks, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Special Projects Coordinator, Ken Schmidt; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioners Tom Supan and Renee Powell were absent.

- 1. Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of one accessory building; this building will serve as a detached garage/storage space/small hobby shop to be located at 510 Cambridge Drive. This subject property is zoned One-Acre Ranch Estate Zone (RE-1).**

Mr. Schmidt introduced this item stating that the subject property located at 510 Cambridge is annexed and zoned to the One-Acre Ranch Estate (RE-1). Mr. Schmidt stated that this property currently has a primary structure with an attached garage, and an in-ground pool. The homeowner is Mr. Curtis Reider and Mr. Andy Speer is applying on behalf of the resident. The applicant is proposing to construct a 1,756 square foot detached accessory building that would serve as a garage, small workshop, and storage area. The accessory building would provide interior parking for up to three vehicles and space for a small workshop and additional storage on the first floor. The second floor would consist of a finished attic. Mr. Schmidt stated that the accessory building will have the same materials and same color as the primary structure and is below the maximum height requirement of 30 feet. Mr. Schmidt stated that the accessory building meets setback requirements and with the additional sidewalk and driveway that will be installed, the impervious surface restriction is 18.2%, which is below the 25% maximum. Mr. Schmidt stated he received feedback from one resident that spoke in support and no one spoke in opposition to the request; therefore, staff recommends approval of the Conditional Use Permit and the variance request for the proposed accessory building as submitted in the Site Plan dated June 6, 2012.

Mr. Speer stated that he is applying on behalf of the resident and that he has received several support signatures. Mr. Speer showed the commission several pictures of the property and where the building would be constructed in relation to all angles of surrounding views.

Commissioner Northcutt asked if neighbors looking into the property could see the accessory building. Mr. Speer replied that the trees were blocking the view. Commissioner Northcutt asked if the percentage of the impervious surface was done by a registered surveyor. Mr. Speer replied yes and Mr. Schmidt confirmed this statement and provided copies of the form to the commission members.

Commissioner Flood asked if the applicant was providing additional landscaping. Mr. Speer responded that there are clusters of trees where the properties join and believes that they provide ample screening for the building. Commissioner Northcutt recommended that the commission ask for additional landscaping around the front side of the accessory building.

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

Chairman Campbell opened discussion to commission members.

Commissioners agreed that they would like to see additional landscaping on the south eastern side of the building. The applicant agreed to provide additional landscaping at the commissioners request.

Commissioner Hendricks made a motion to approve a Conditional Use Permit (CUP) and the variance request for the proposed use as submitted in the Site Plan dated June 6, 2012 and a landscape plan subject to staff review and approval. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 2. Conduct a public hearing and take action regarding an amendment to a Conditional Use Permit (CUP) for property located at 440 Country Club Road, formally known as the Sloan Creek Middle School, owned by Lovejoy Independent School District. The amendment request is for the addition of two 8'x40' storage containers to be located on site.**

Mr. Wilbourn introduced this item stating that the subject property is currently annexed and zoned One-Acre Ranch Estate (RE-1) and has a Conditional Use Permit (CUP) to allow for the middle school. Mr. Wilbourn stated that the amendment to this CUP is requesting the addition of two 8'x40' storage containers to be located east of the tennis courts, a French drain to mitigate any drainage issues and a sidewalk/ramp to allow for access to the proposed containers. Mr. Wilbourn stated that the Chase Oaks Church has been given permission from the school to apply for this amendment. Mr. Wilbourn stated the church currently leases from the school as a location for their Sunday morning services and the containers will store their furniture and fixtures. Mr. Wilbourn

stated that once their lease expires in 2020, the school will be given the storage containers. Mr. Wilbourn stated that he received no feedback regarding this request and staff supports the approval of the amendment to the Conditional Use Permit (CUP) to install two 8'x40' storage containers to be located on site, a French drain and a sidewalk/ramp to allow for access to the storage containers.

Commissioner Northcutt asked if an expiration term be put on the end of the CUP for the containers in relation to the lease between the school and the church. Chairman Campbell asked who's property does the containers belong to if the church builds their own building before the end of their lease in 2020. Mr. Wilbourn replied they will belong to the school.

Commissioner Doi asked if additional screening on the north side was being provided. Mr. Wilbourn replied that there is an existing tree line on the north and east sides of the property and believes there is adequate screening already there. Commissioner Doi responded that he would like to see some kind of plantings on the north side that would be low maintenance and drought resistant and would grow naturally.

Chairman Campbell asked who is responsible for the condition of the containers. Mr. Wilbourn replied it would either be Fairview code enforcement or the school would enforce the upkeep. Commissioner Northcutt asked if they need to put a time limit tied to the lease to review this amendment with the wear and tear on the buildings, i.e. in eight years. Mr. Efrussy responded that the commissioners can request to review, but encourages to set guidelines. For example, are the containers a problem, eyesore or creating unsightliness? Commissioner Doi suggested a one page report be submitted to the town in eight years stating that the containers are in good operating condition, and be a condition placed on the CUP. Commissioner Hendricks replied that this is not a zoning issue. Commissioner Flood commented that the school has guidelines and doesn't believe this is needed.

Commissioner Doi made a motion to approve the amendment to the Conditional Use Permit (CUP) allowing for Chase Oaks Church to install two 8'x40' storage containers to be located on site, a French drain and a sidewalk/ramp to allow for access to the storage containers, and with the following conditions:

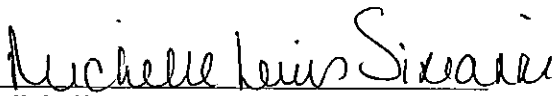
- Install low maintenance small tree(s) or bushes on the north side of the property to provide screening.
- The town engineer is to evaluate the long term effects of the containers as a permanent load over the culvert and to provide a letter to town council.
- The school to submit a letter every eight (8) years to town staff stating that the structures are in good working condition.

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

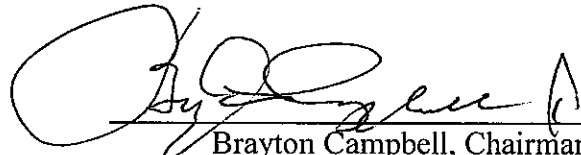
3. Adjourn.

Chairman Campbell adjourned the meeting at 7:46 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, JULY 12, 2012**

Chairman Campbell called the meeting to order at 8:05 p.m. Commission members present were Pat Friend, Paul Hendricks, Renee Powell, and Brad Northcutt. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Special Projects Coordinator, Ken Schmidt; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioners Ricardo Doi and Debbie Flood were absent.

**1. Consider and take action regarding the minutes of the May 10, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Northcutt made a motion to approve the minutes of the May 10, 2012 commission meeting as amended. Commissioner Powell seconded that motion and the motion was unanimously approved.

**2. Consider and take action regarding the minutes of the June 14, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Powell made a motion to approve the minutes of the June 14, 2012 commission meeting as amended. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

**3. Conduct a public hearing and take action regarding the Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development comprised of 6.264 acres and is generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Road, and west of the Village of Fairview subdivision within the Commercial Planned Development District (CPDD), subzone J.**

Commissioner Hendricks made a motion to table the Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development comprised of 6.264 acres and is generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Road, and west of the Village of Fairview subdivision within the Commercial Planned Development District (CPDD), subzone J. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

**4. Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the completion of construction for a sport court located at 411 Palomino Way within the Bridlegate Subdivision involving the installation of an additional basketball hoop, landscaping, lighting, and a perimeter fence.**

Mr. Wilbourn introduced this item stating that since the process for constructing sports courts has changed, Mr. Dandona is requesting the remaining aspects of his sports court through the CUP process. Mr. Wilbourn stated that there are five conditions being requested within the CUP including dark skies compliant lights on 16' black poles, black vinyl chain link fence, landscaping, basketball goal on the eastern side, and approval to paint the sports court classic green with white lines. Mr. Wilbourn stated that letters of notification were sent out and he has received several emails with twelve in favor, and three voicing concerns and asking questions about the project. Mr. Wilbourn stated that town staff has reviewed the request for an amendment to the CUP and also taken into account the sensitivity of this situation to the subdivision and supports its approval.

Neal Dandona, applicant and owner, stated that this has been a very sensitive issue and it has been over a year since they've started the project. Mr. Dandona stated that he feels like he's done his due diligence. He has reached out to his neighbors to try to appease their requests and he believes he has exceeded what's being requested by his neighbors and town staff. Mr. Dandona stated that in his opinion, it is a conservative plan. He has selected low maintenance and weather hardy landscaping, black vinyl fencing and 16' light poles with lighting that has zero trespassing. Mr. Dandona stated that he also acquired signatures in support of his project and is ready to have the project completed. Mr. Dandona stated that he believes he has presented a plan that is good and works well with the neighborhood.

Commissioner Friend asked if his HOA (home owners association) had approved his plan and if he had been given an approval document from the HOA. Mr. Dandona responded that yes he had.

Commissioner Powell asked if the basketball goals would be in-ground and if so, questioned them being in the way of playing tennis. Mr. Dandona replied that the goal would be in-ground and its placement is feasible for tennis play.

Commissioner Northcutt asked if the lights would be manual or on an inside manual control and if the applicant had thought about the plant size/maturity level for his landscaping. Mr. Dandona responded that he will have three gallon sized plants/shrubs that are five feet in height.

Chairman Campbell opened the public hearing.

John Johnson, 441 Palomino Way, stated that he has been the most vocal opponent and agrees that the project needs to be completed. Mr. Johnson stated that his concerns are the fencing, lighting, setbacks, which affect the septic system, and the fact that it is not a standard court, which presents lots of issues. Mr. Johnson questions the applicant's request and how it compares to the town's code as well as their subdivision's HOA CCR's. Mr. Johnson stated that he would like to see a non-tennis court with no lights and fence and believes the applicant's request just doesn't fit the lot.

Rick Dunham, 151 Horseshoe Bend, stated that as long as the sports court is screened, he is okay with it and would like to see it finished.

Jeff Maxwell, 451 Palomino Way, stated that this project has caused a huge divide in the neighborhood and it is the very first thing you see upon entering the subdivision. Mr. Maxwell stated that his concern is the encroachment it will have onto his fence, the light poles and the size of the fence. Mr. Maxwell stated that it will border the side of his house, which he is strongly opposed to.

Catherine Maxwell, 451 Palomino Way, stated that the project needs to be completed and that they are in a very difficult position since they are neighbors to the Dandona's. Mrs. Maxwell stated that they are against the height of the fence and believes the lights are in a bad location and questions whether less light poles can be used. Mrs. Maxwell believes that the view from the Johnson's property can be preserved as well as aesthetically pleasing. Mrs. Maxwell stated the main concern is the encroachment the landscaping will have into their fence.

Marlo Ballard, 130 Horseshoe Bend, stated that the project needs to be completed and it has brought a divide within the community. Ms. Ballard stated that the applicant has worked hard to accommodate everyone as best as possible and once the sports court is landscaped, it will be okay. Ms. Ballard supports the request.

Helen Dunham, 151 Horseshoe Bend, stated that she believes sports courts enhance property values and that there will be enough privacy as a result of this sports court development. Mrs. Dunham stated that she supports the proposal.

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

Commissioner Powell stated that she likes the LED lights and proposed the question of shortening the fence height.

Commissioner Friend commented that he has played many games of tennis and the fence height needs to be at least ten (10) feet on the ends and proposed a type of wind screen to lessen the impact from the view of the sports court.

Commissioner Northcutt stated that he is pleased with the plan and agreed with Commissioner Friend regarding the wind screening.



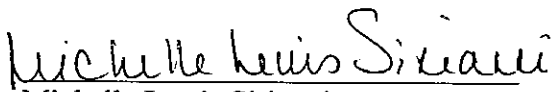
Commissioner Hendricks stated that from a zoning perspective, there's no reason not to proceed if the sports court is built as per the plan and is adhered to.

Commissioner Northcutt made a motion to approve the Conditional Use Permit (CUP) for the completion of the sports court as submitted and represented in the applicant packet and Site Plan, which included the conditions that the eastern basketball goal encroach into the setback seven feet, the three northern light poles encroach ten feet into the setback, the sports court fence design, and the sports court color. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

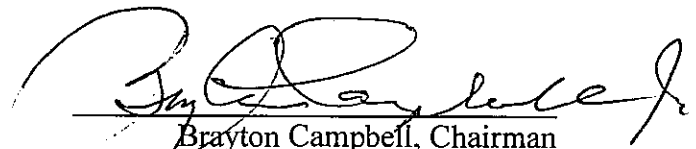
**5. Adjourn.**

Chairman Campbell adjourned the meeting at 9:44 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, AUGUST 9, 2012**

Chairman Campbell called the meeting to order at 7:00 p.m. Commission members present were Pat Friend, Ricardo Doi, Paul Hendricks, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Senior Planner, Ken Schmidt; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Management Intern, Tara Braas, and Town Secretary, Michelle Lewis Sirianni.

**1. Consider and take action regarding the minutes of the July 12, 2012 Planning and Zoning Commission meeting.**

Commissioner Powell had two grammatical corrections and Commissioner Friend stated that he did not make the motion for item three since it was his first meeting. Commissioner Hendricks stated that he believes he made the motion to that item.

Commissioner Friend made a motion to approve the minutes of the July 12, 2012 meeting as amended. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action regarding a Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 6.264 acres and is within Subzone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).**

Mr. Schmidt introduced this item stating that the proposed plan is comprised of 6.264 acres located within Zone J of the Commercial Planned Development District (CPDD). This subject property is not platted and has no floodplain or other environmentally sensitive areas on the property. Mr. Schmidt commented that the applicant has requested to develop this project in phases, so as they progress the commission will see the plan again with the amendments. Mr. Schmidt stated that this phase contains a coffee shop with a drive-thru and one building. The staff is satisfied with the plan since it meets all requirements, but the staff continues to work with the developer as the project progresses. Mr. Schmidt stated town staff recommends approval of the Concept Plan as submitted.

Michael Bowen, applicant and developer, stated that the idea of the Crossroads of Fairview is to take advantage of the view and open green spaces that surround this area with the idea that they can also have small community events that will bring people nearby into the area. Mr. Bowen stated that the focal point will be the building that includes a coffee shop as the anchor store that will be independently run by his family (sister). Mr. Bowen commented that they plan on doing additional landscaping to compliment the area. He also stated that he understands the town's requirement for public art regarding this project.

Commissioner Doi stated that he likes the plan. He asked regarding the topography of the land, if the landscaping could have a rolling terrain feel and look to it. Mr. Bowen responded as they develop the area in phases, he plans on making it pedestrian friendly and with a cross-access between walkways.

Commissioner Hendricks stated that he also likes the plan and if any market survey was done. Mr. Bowen replied that they have been advertising the area and the interest they have received has been increasing. He also believes it will sustain itself and be developed out without any trouble.

Commissioner Northcutt expressed concern with the traffic pattern regarding the coffee shop drive-thru placement. Commissioner Doi shared concern from a safety perspective.

Chairman Campbell opened the public hearing.

A citizen spoke asked about the general traffic flow around the coffee shop for the development and how the storm water drainage will work on the property. Mr. Chancellor addressed the drainage concerns by stating that the developer will have to do a detention area and that would address any run-off. Mr. Chancellor addressed the traffic concern by stating that since Fairview Parkway is a low speed road, he is okay with the spacing, but that they can always modify the traffic pattern at a later date if they would have any issues. Chairman Campbell requested the town staff to continue to work with the developer to work out traffic concerns, especially the drive-thru at the coffee shop.

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

Commissioner Doi requested that a condition be placed into the motion regarding the cross-access regarding the right turn lane on Fairview Parkway.

Commissioner Doi made a motion to approve the Concept Plan for The Crossroads at Fairview with the condition that the developer makes improvements to the deceleration lane and drive-thru design and that there shall be a cross-access between undeveloped portions to the north. Commissioner Northcutt seconded that motion, and the motion was unanimously approved.

3. **Conduct a public meeting and take action regarding a Preliminary Plat comprised of two properties generally located east of US 75, north of the Ranchette Estates Subdivision, west of State Highway 5, and south of Frisco Road. The subject properties are in the Commercial Planned Development District (CPDD), Zone D - Residential Adjacency Zone, and are comprised of 20.168 and 10.729± acres, respectively. The proposed Preliminary Plat is comprised of three lots that are 15.162, 9.235, and 6.5 acres in size.**

Mr. Schmidt stated that the applicant has withdrawn this preliminary plat.

The commission took no action.

4. **Conduct a public hearing and take action regarding a request to re-zone five properties that are to become part of a proposed five lot subdivision. This proposed subdivision is composed of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 1.643 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, three of which are one acre in size and one that is 1.205 acres in size. The properties that currently comprise this proposed subdivision consist of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is two acres in size, and four, One-Acre Ranch Estate (RE-1) lots, two of which are one acre in size, one lot that is 2.05 acres in size, and one lot that is 0.55 acres in size. The proposed subdivision is generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.**

Mr. Schmidt introduced this item stating that the subject properties are currently annexed and zoned, but unplatted. There is no flood plain or environmentally sensitive areas on this property. The applicant Mr. Rudy Rivas, Chief Executive Officer of M. Christopher Homes, is requesting a zoning change on behalf of the property owners in order to provide a development that is more capable of

meeting the needs of the town and his future clients. Mr. Rivas is currently building the Willow Point Estates Subdivision. Mr. Schmidt stated that the Future Land Use Plan within the Comprehensive Plan indicates that the subject properties are Residential Estate, which allows for large country lots between 1-1.99 acres in size. Mr. Schmidt stated the current zoning provides for one, One-and One-half-Acre lot that is 1.643 acres in size, and four, One-Acre lots, three of which are one acre in size and one that is 1.205 acres in size. Mr. Schmidt stated that Mr. Rivas is proposing to preserve the existing vegetation along with the homeowners agreeing to remove existing structures that are currently on the subject properties. Mr. Schmidt stated town staff recommends approval conditioned upon the removal of these existing structures.

Rudy Rivas, applicant and developer, 630 Oakmont, stated that he plans on maintaining the trees and a manicured look within his proposed development.

Chairman Campbell opened the public hearing. Mark Nelson, 1160 Hart Road, commented on the current driveway off Hart Road and indicated that setting the house further back from where the drive currently is would be better. Mr. Rivas agreed and stated that he would design the house as far to the west as possible.

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

Commissioner Doi asked how wide Hart Road is. Mr. Chancellor responded that it is 20 ft wide and was designed to maintain the rural look of the area. Commissioner Doi commented that they may need to encourage school traffic to use Stoddard Road instead.

Commissioner Hendricks asked if the staff had received any feedback. Mr. Schmidt replied that only one phone call was received asking for information only.

Commissioner Doi suggested a preservation easement for the trees. Commissioner Northcutt agreed. Mr. Rivas stated that the customers want the trees and they will not plan on taking them out unless they have to.

Commissioner Powell asked if the FM 1378 easement will affect this development. Mr. Chancellor responded that it has been removed from the town's Master Thoroughfare Plan and it will not be affected.

Commissioner Friend made a motion to approve the re-zoning of five properties that are composed of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 1.643 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, three of which are one acre in size and one that is 1.205 acres in size conditioned upon the removal of existing structures currently on the properties. Commissioner Powell seconded that motion and the motion was unanimously approved.

5. **Conduct a public meeting and take action regarding a Preliminary Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision. The properties that currently comprise this proposed subdivision consist of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is two acres in size, and four, One-Acre Ranch Estate (RE-1) lots, two of which are one acre in size, one lot that is 2.05 acres in size, and one lot that is 0.55 acres in size. The proposed Preliminary Plat is composed of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 1.643 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, three of which are one acre in size and one that is 1.205 acres in size.**

Mr. Schmidt introduced this item stating that Mr. Rivas, the applicant, is applying on behalf of the Nelson and Johnson families, which are the current property owners. The proposed Preliminary Plat conforms to the Future Land Use Plan of the town's Comprehensive Plan and the Specific Zone Requirements of the RE-1.5 and RE-1 zoning districts. Mr. Schmidt stated that staff has reviewed the plat and asked the developer to install an additional fire hydrant on Hart Road in order to ensure that there is a fire hydrant within 300 feet of the building setback lines of each proposed lot. Staff also required the developer to provide a thirty foot drainage easement on Lot 5 to prevent potential drainage issues, and to include a landscaping and buffering plan that will supplement the heavily wooded subdivision boundary. Mr. Schmidt commented that no additional public right-of-way is needed. Mr. Schmidt stated that town staff recommends approval as submitted conditioned upon staff approval of additional improvements to the subdivision's landscaping plan.

Mr. Rivas questioned why the landscaping plan as submitted was not sufficient and asked the commission to consider approving as submitted without the additional landscaping.

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

Chairman Campbell opened discussion to commission members. Commissioner Northcutt asked if requesting the additional landscaping on a preliminary plat was required. Mr. Schmidt responded that it is permissible to ask at this stage.

Commissioner Doi made a motion to approve the Preliminary Plat for five properties that is composed of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 1.643 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, three of which are one acre in size and one that is 1.205 acres in size with the following conditions: the 30' easement be shown on the plat prior to the final plat application; that any trees placed west of the easement, if not allowed in the drainage easement, that they identify where canopy trees can be placed; and upon staff review and approval of the landscape plan. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 6. Consider and take action regarding a Final Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision. The properties that currently comprise this proposed subdivision consist of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is two acres in size, and four, One-Acre Ranch Estate (RE-1) lots, two of which are one acre in size, one lot that is 2.05 acres in size, and one lot that is 0.55 acres in size. The proposed Preliminary Plat and Final Plat are both composed of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 1.643 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, three of which are one acre in size and one that is 1.205 acres in size.**

Mr. Schmidt introduced this item stating that at the recent Park Board Meeting, the board recommended accepting cash in lieu of land for park development in the amount of \$7,859.00. Mr. Schmidt stated that the town staff has reviewed the landscape plan and recommends continued discussion regarding additional plantings in order to enhance the streetscapes along Hard Road and FM 1378, and to provide adequate buffering for the future residents of this subdivision. Town staff recommends approval as submitted with this condition of additional improvements to the landscaping.

Chairman Campbell opened discussion to the public. No comments were made and the public discussion was closed.

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

Commissioner Northcutt made a motion to approve the Final Plat for five properties that is composed of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 1.643 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, three of which are one acre in size and one that is 1.205 acres in size with the following conditions: the 30' easement be shown on the plat prior to the final plat application; that any trees placed west of the easement, if not allowed in the drainage easement, that they identify where canopy trees can be placed; and upon additional staff review and approval of the landscape plan. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

- 7. Conduct a public hearing and take action regarding a request to re-zone five properties that are to become part of a proposed five lot subdivision. This proposed subdivision is composed of two, One-and-One-half-Acre Ranch Estate (RE-1.5) lots that are 1.530 and 1.504 acres in size, and three, One-Acre Ranch Estate (RE-1) lots, one of which is 1.153 acres in size, one lot that is 1.10 acres in size, and one lot that is 1.083 acres in size. The properties that currently comprise this proposed subdivision consist of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 2.23 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, one of which is 2.87 acres in size, one lot that is one acre in size, one lot that is 0.5 acres in size, and one lot that is 0.28 acres in size. The proposed subdivision is generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chase Subdivision.**

Mr. Schmidt introduced this item stating that these subject properties are annexed, but not platted, and there is no floodplain or other environmentally sensitive areas on the property. The applicant, Mr. Rivas, is applying on behalf of the Watkins', who are the property owners. Mr. Schmidt stated that the zoning request conforms to the town's Comprehensive Plan and the Specific Zone Requirements of the RE-1.5 and RE-1 zoning districts. Town staff recommends approval as submitted conditioned upon the removal of existing structures on the subject properties.



Mr. Rivas stated that this request will provide a development that is more capable of meeting the needs of the town and future clients as well having larger lots thereby decreasing density.

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

Chairman Campbell opened discussion to commission members. No further comments were made.

Commissioner Powell made a motion to approve the zoning change request conditioned upon the removal of existing structures of the subject properties. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 8. Conduct a public meeting and take action regarding a Preliminary Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision. The properties that currently comprise this proposed subdivision consist of one, One-and-One-half-Acre Ranch Estate (RE-1.5) lot that is 2.23 acres in size, and four, One-Acre Ranch Estate (RE-1) lots, one of which is 2.87 acres in size, one lot that is one acre in size, one lot that is 0.5 acres in size, and one lot that is 0.28 acres in size. The proposed Preliminary Plat is composed of two, One-and-One-half-Acre Ranch Estate (RE-1.5) lots that are 1.530 and 1.504 acres in size, and three, One-Acre Ranch Estate (RE-1) lots, one of which is 1.153 acres in size, one lot that is 1.10 acres in size, and one lot that is 1.083 acres in size.**

Mr. Schmidt introduced this item stating that Mr. Rivas is applying on behalf of the current property owners, the Watkins'. Mr. Schmidt stated that due to the right-of-way and utility requirements for this proposed subdivision, the applicant will not be requesting simultaneous review of the Preliminary and Final Plats. The town staff has required the developer to acquire a utility easement from Lot 6 in the adjacent Willow Point Estates Subdivision in order to link the water system, as well as require the developer to install two fire hydrants along the new public right-of-way for this subdivision. Mr. Schmidt stated that staff is requesting continued discussion regarding additional planting in order to enhance the streetscape along FM 1378 and to provide additional buffering. The plat meets all of the town's requirements; therefore, the staff recommends approval of the Preliminary Plat conditioned upon staff approval of additional improvements to the subdivision's landscaping plan.

Commissioners discussed landscaping on the access road, which may or may not be affected by the North Texas Municipal Water District (NTMWD), as well as options for privacy that included using berms.

Commissioner Friend made a motion to approve a Preliminary Plat for Phase II of the Fairview Ranch Estates subdivision as submitted conditioned upon staff approval of additional improvements to the landscape plan, removal of existing structures, an easement between lot one and lot two, and that canopy trees are accepted by the NTMWD within the 30' easement, otherwise will be placed west of the easement. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

**9. Adjourn.**

Chairman Campbell adjourned the meeting at 9:09 p.m.

Respectfully submitted,

Michelle Lewis Sirianni  
Michelle Lewis Sirianni  
Town Secretary



Brayton Campbell  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, SEPTEMBER 13, 2012**

Chairman Campbell called the meeting to order at 7:03 p.m. Commission members present were Pat Friend, Paul Hendricks, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Senior Planner, Ken Schmidt; Assistant to the Town Manager, Adam Wilbourn; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; Management Intern, Tara Braas, and Town Secretary, Michelle Lewis Sirianni. Commissioner Ricardo Doi was absent.

**1. Consider and take action regarding the minutes of the August 9, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Northcutt made a motion to approve the minutes of the August 9, 2012 meeting as amended. Commissioner Friend seconded that motion and the motion was unanimously approved.

**2. Conduct a public meeting and take action regarding a Final Plat for a proposed subdivision generally located west of and adjacent to Country Club road (FM 1378) south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace subdivision.**

Mr. Schmidt introduced this item stating that upon staff review, a request was made to the developer for an additional drainage easement along Lot 1; install three fire hydrants along the new right-of-way that is being proposed, and a utility easement to link the water system to the Willow Point Estates subdivision. The developer is also providing an additional utility easement on Lot 1 to support future development. Mr. Schmidt indicated that the developer has also enhanced the landscape plan and will be providing cash in lieu of parkland in the amount of \$7,753. Mr. Schmidt stated that the plat meets all requirements of the town's Subdivision Ordinance. Therefore, he recommends approval of the Final Plat as submitted and dated September 5, 2012.

Commissioners discussed drainage easements within the Plat and in regards to the additions to Lot 1.

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

Commissioner Hendricks made a motion to approve the Final Plat for a proposed subdivision generally located west of and adjacent to Country Club Road (FM 1378) south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace subdivision as submitted and dated September 5, 2012. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing and take action regarding the annexed and unzoned 27.862 acres property at 291 Country Club Road. The proposed zoning for this property would allow for 13.83 acres to be zoned One-Acre Ranch Estate (RE-1), while 14.032 acres would be zoned Planned Center (PC). The subject property is generally located east of the Wellington Park Estates subdivision, north of Stacy Road (FM 2786), south of Old Stacy Road, and west of Country Club Road (FM 1378).**

Mr. Schmidt introduced this item stating that the subject property is annexed, unzoned, and 27.862 acres in size. The subject property is not platted and contains no floodplain; however, there is a small pond and a natural drainage feature in the center of the property. Mr. Schmidt stated the subject property is equestrian in nature and currently contains an 18,500 square foot indoor riding arena, several structures ranging from 200-2,500 square feet, and a 900 square foot single family dwelling that is occupied by a maintenance worker. The property owner, Mrs. Kathy Knappitsch, lives in Wellington Park Estates and operates her horse boarding and dressage business on this subject property. Mr. Schmidt stated that since the zoning was initiated by the town, they have been working with the property owner to identify the uses on the property as well as her future goals in order to satisfy her needs as well as accomplishing the goals and objectives of the town's Comprehensive Plan. The Future Land Use Plan within the Comprehensive Plan indicates that the subject property is classified as Residential Estate, which allows for single-family dwellings on lots from 1-1.99 acres in size. Mr. Schmidt stated based on Mrs. Knappitsch's request and the current uses, staff recommends zoning 13.83 acres to the One-Acre Ranch Estate Zone (RE-1) and the remaining 14.032 acres to be zoned Planned Center (PC). This would accommodate the equestrian-based uses and the opportunity to build future homes for the property owner and her daughter. Mr. Schmidt stated town staff recommends approval of this proposed zoning as depicted in the Zoning Exhibit and Planned Center Development Plan.

Kathy Knappitsch, property owner, expressed her family history and love of horses. She stated that her dream has always been for this property to have equestrian uses on it with the goal that in the future; her and her daughter can also live on the property. Mrs. Knappitsch stated that she is in agreement and comfortable with the town staff's zoning recommendation(s).

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

Chairman Campbell opened the discussion to commission members.

Commissioners addressed the number of horses currently on the property and the maximum number to be allowed based on the recommended zoning.

Commissioner Friend asked town staff if the RE-1 zoning district was the best use for the property. Mr. Schmidt replied it was based on surrounding zoning and the Comprehensive Plan, and that is the most appropriate zoning for the western portion of this property.

Commissioner Hendricks asked the applicant if they were in favor of the zoning recommendation(s), understands the zoning procedures, and had a fair chance to think about this request. Mrs. Knappitsch responded that she does not know what will happen in the future, but understands that changes can be made and feels that the recommendations are the best fit for the property as it currently is and based on her future goals. Chairman Campbell commented that he believes the Planned Center zoning is best for the owner as well as the town. Mr. Schmidt added that the property owners can always amend the plan at a later date if they so wish.

Commissioner Northcutt asked if there were any trail connectors near or on this property. Mr. Schmidt replied there are no connectors on this property and the current trails are depicted to go east of Country Club Road. Mr. Dunlap added the closest one by definition is in Lucas and McKinney. Chairman Campbell commented that they are currently trying to connect the trails together, but they are still pieces away from completing.

Commissioner Northcutt made a motion to approve zoning for this property that would allow for 13.83 acres to be zoned One-Acre Ranch Estate (RE-1), while 14.032 acres would be zoned Planned Center (PC) as depicted in the Zoning Exhibit and Planned Center Development Plan. Commissioner Flood seconded that motion and the motion was unanimously approved.

**4. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will receive a report from the Planning Department.**

Ms. Braas introduced this item stating that the conservation, preservation and disposal of trees and shrubs falls within the town's Tree Care Program, which is overseen by the Landscape Administrator. Ms. Braas stated that James Chancellor, Town Engineer, currently serves as this person. However, the Planning and Zoning Commission make up the Tree Board. Ms. Braas stated that the Tree Board must meet four times a year and is set to meet for the remainder of the 2012 calendar year. The remaining meetings will be used to update board

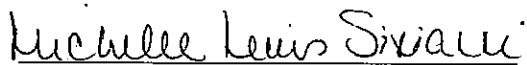
members on the Tree Care Program, review the care plan for trees, renew the town's Tree City USA designation, and confirm Arbor Day celebrations, which will occur with the Veteran's event in October of this year.

Commissioners inquired on who takes care of the trees that overhang or need trimming, etc. Mr. Wilbourn stated that the town's Code Enforcement Officer inspects areas such as right-of-ways and places through town and notifies residents when necessary. Chairman Campbell asked if the town has access to Mr. Rick Zampino who is a Master Arborist, and his expertise. Mr. Wilbourn replied that he is currently working with the Town Engineer, James Chancellor, in updating the tree species list within the town's Code of Ordinances.

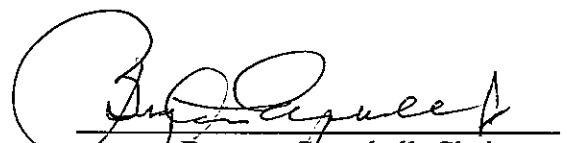
**5. Adjourn.**

Chairman Campbell adjourned the meeting at 7:51 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, OCTOBER 11, 2012**

Chairman Campbell called the meeting to order at 9:10 p.m. Commission members present were Pat Friend, Ricardo Doi, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Senior Planner, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; and Town Secretary, Michelle Lewis Sirianni. Commissioner Paul Hendricks was absent.

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

Commissioner Powell and Commissioner Doi stated that they called in corrections prior to the meeting.

Commissioner Friend made a motion to approve the minutes of the September 13, 2012 meeting as amended. Commissioner Flood seconded that motion and the motion was unanimously approved.

**2. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will receive a report and recommendation(s) from the town landscape administrator and take any necessary action.**

Mr. Chancellor stated that he currently serves as the town's landscape administrator and a current copy of the ordinance has been provided for the commissioners. Mr. Chancellor stated within the ordinance includes a list of trees that are qualified as 'quality' or 'marginal' trees. The Environmental Committee has reviewed the current list with the assistance of Rick Zampino, a resident of Fairview and master arborist who also serves on the Environmental Committee. They have modified the list with recommended changes for the Tree Board to review. Mr. Chancellor added that the ordinance also outlines tree removal and standards along with homestead exemptions that indicate the removing and replacing requirements of trees. Town staff recommends the approval of the changes to the town's tree preservation ordinance.

Commissioners also discussed homestead exemptions, who maintains trees that overhang, and if homeowners need to permit the removal of trees in their front yard. Mr. Chancellor responded that the town's Code Enforcement Officer, Robert White, takes care of monitoring and enforcing trees that overhang as well as other code violations relative to trees and/or shrubs.

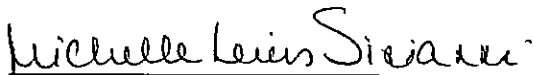
Commissioner Doi suggested adding mitigation requirements to the ordinance in order to preserve or provide direction to developers within subdivision or commercial properties.

Commissioner Doi made a motion to approve the recommended changes to the town's tree preservation ordinance as well as requesting the town staff to bring back additional mitigation requirements on how trees are removed from utility easements and building footprints of subdivisional or commercial properties. Commissioner Powell seconded that motion and the motion was unanimously approved.

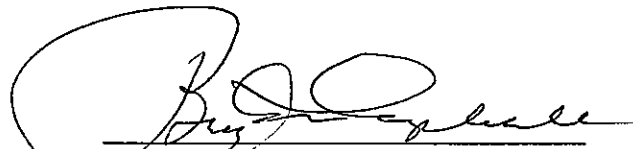
**3. Adjourn.**

Chairman Campbell adjourned the meeting at 9:33 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission



**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
MONDAY, NOVEMBER 26, 2012**

Chairman Campbell called the meeting to order at 7:02 p.m. Commission members present were Pat Friend, Renee Powell, Brad Northcutt, and Paul Hendricks. Staff members present were Planning Director, Alan Efrussy; Senior Planner, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; and Town Secretary, Michelle Lewis Sirianni. Commissioners Ricardo Doi and Debbie Flood were absent.

**1. Elect a Vice-Chairperson.**

Commissioner's elected Paul Hendricks to serve as Vice-Chairperson.

**2. Consider and take action regarding the minutes of the October 11, 2012 Planning and Zoning Commission meeting.**

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

Commissioner Friend made a motion to approve the minutes of the October 11, 2012 meeting as amended. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

**3. Conduct a public hearing and take action regarding the Site Plan for the first phase of the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 6.264 acres and is within Zone J (Southern Ceremonial Parkway Zone) of the commercial Planned Development District (CPDD).**

**AT THE REQUEST OF THE APPLICANT, THIS ITEM WILL BE TABLED UNTIL THE DECEMBER MEETING.**

**4. Conduct a public meeting and take action regarding a Preliminary Plat for a property that is generally located west of Fitzhugh Mill Road, south of Summit Court, east of the Heritage Ranch subdivision, and north of and adjacent to Stacy Road. The subject property is 5.22 acres, zoned Two-Acre Ranch Estate (RE-2), and the proposed Preliminary Plat will subdivide the property into two, 2.61 acre single-family lots.**

Mr. Schmidt stated that the subject property is 5.22 acres in size and is currently annexed and zoned to the Two-Acre Ranch Estate Zone (RE-2). The subject

property is not platted. Mr. Schmidt stated the property is unique in that it is a double flagged lot. The lot was originally part of a 43.23 acre tract that has been subdivided numerous times. The surrounding lots are mostly five acres in size with each having common easements for emergency access. Mr. Schmidt added that there was also a utility easement granted to the Milligan Water Supply Corporation, which overlaps an existing and future access easement on the subject property. The applicant and owner of the subject property, Mr. Mordecai is proposing to subdivide the subject property in order to create two 2.60 acre lots that fully conform to the RE-2 Zoning District. Mr. Schmidt stated that due to the complexity of the subject property, town staff has been working with the applicant for many months regarding the emergency access, right-of-way, and utility easements. However, the staff is comfortable recommending approval of the plat due to the future benefits and improvements that will be established. Mr. Schmidt stated that staff recommends approval conditioned upon the modification of the proposed easements and establishment of a developer's agreement between the town and the property owner.

Clara Carlisle, project architect, stated that she looks forward to moving forward with the project and the developer's agreement.

Commissioner Friend asked what surrounding properties were zoned. Mr. Schmidt responded that they were zoned Two-Acre Ranch Estate (RE-2).

Commissioners discussed right-of-way and access concerns and how if any that would affect current property owners.

Chairman Campbell asked if the staff has spoken to Milligan Water regarding these issues and what their response has been. Mr. Schmidt stated that town staff has not approached Milligan yet; it is on hold until an upcoming development comes forward. The new development would accelerate Fairview's water line.

Chairman Campbell asked if the commission members had any further comments/ and or questions. No comments were made.

Commissioner Powell made a motion to approve the Preliminary Plat for the Dos Casas subdivision conditioned upon the modification of the proposed easements and establishment of a developer's agreement between the town and the property owner. Commissioner Northcutt seconded that motion and the motion was unanimously approved.



5. **Consider and take action on a Final Plat for a property that is generally located west of Fitzhugh Mill Road, south of Summit Court, east of the Heritage Ranch subdivision, and north of and adjacent to Stacy Road. The subject property is 5.22 acres, zoned Two-Acre Ranch Estate (RE-2), and the proposed Preliminary Plat will subdivide the property into two, 2.61 acre single-family lots.**

Mr. Schmidt stated that the same issues apply as previously discussed. At the November Park and Recreation Board Meeting, the commission recommended cash in lieu of land due to the access issues and size of the property in the amount of \$1,795.41, which would be due prior to recording the Final Plat. Mr. Schmidt stated that town staff recommends approval conditioned upon further staff review, the modification of the proposed easements and establishment of a developer's agreement.

Clara Carlisle, project architect, requested that versus paying the park conveyance fee, could they ask for a variance from paying this fee due to the fact that they are giving the town the first right-of-way acquisition, which the town would normally obtain. Chairman Campbell stated that they may make this variance request at the council level.

Commissioner Friend made a motion to approve the Final Plat conditioned upon the modification of the proposed easements and establishment of a developer's agreement. The motion was seconded by Commissioner Powell, with all in favor.

6. **The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will receive a report and recommendation(s) from the town landscape administrator and take any necessary action.**

Mr. Chancellor, who serves as the town's landscape administrator, stated that the council recently passed the recommendation by the Tree Board in updating the tree list within the tree preservation ordinance. Mr. Chancellor stated that if the board has any other changes or recommendations to the ordinance, they may make those changes to the Town Council for their review. Mr. Chancellor gave a brief update on tree removal and replacement based on residential lots as well as how the existing homestead exemption works.

Commissioner Hendricks asked in regards to the trees that are on street corners, if the existing trees are grandfathered and can remain there. Mr. Chancellor responded that unless it becomes a safety issue and/or sight visibility issue where they would require trimming, then they will remain there.

Commissioner Northcutt asked if there was a fee for permitting the removal of trees. Mr. Chancellor stated that per the town's code of ordinance, it is \$175.00 or whichever cost is greater.

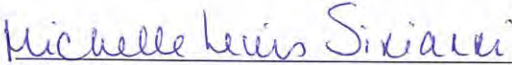
Chairman Campbell requested to bring back this item to the next meeting due to Commissioner's Doi's absence and his request to talk about this item.

Commissioner Northcutt requested a reminder within the newsletter about do's and don'ts with trees.

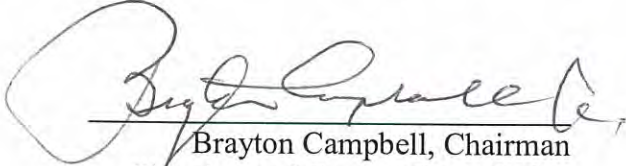
**7. Adjourn.**

Chairman Campbell adjourned the meeting at 7:54 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, DECEMBER 13, 2012**

Chairman Campbell called the meeting to order at 7:02 p.m. Commission members present were Pat Friend, Ricardo Doi, Renee Powell, Brad Northcutt, Paul Hendricks, and Debbie Flood. Staff members present were Senior Planner, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; Community Development Manager, Ray Dunlap; Management Intern, Tara Passini; and Town Secretary, Michelle Lewis Sirianni.

**1. Consider and take action regarding the minutes of the November 26, 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 November 26, 2012 Planning and Zoning Commission meeting as amended. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing and take action on a Preliminary Plat for a property that consists of 33.28± acres, and is generally located west of Orr Road, and north of the Thompson Springs Subdivision. The property is currently zoned Two-Acre Ranch Estate Zone (RE-2).**

Mr. Schmidt introduced this item stating that this subject property consists of 33.28± acres and is annexed. The subject property is currently not platted and contains a small creek, pond, small amount of flood plain, and two abandoned structures, which would be removed. The proposed subdivision will be comprised of 15 single-family lots that are a minimum of two acres in size and one common area lot that will provide for a monument sign and landscaping, to be maintained by the subdivision's HOA. Mr. Schmidt noted that there is currently no existing water utility infrastructure that would be capable of serving the proposed subdivision. As a result, the applicant is proposing to extend the Fairview water system by installing a 12" water main that would link to the existing water infrastructure. The developer has requested town participation in order to finance the cost of upsizing the water line. The subject property also contains a significant amount of trees; therefore, the landscaping will be evaluated further following the completion of a tree survey. Mr. Schmidt indicated in regards to the park conveyance, the applicant will be appearing at the next Parks and Recreation Board meeting to receive their recommendation. The town staff recommends

approval of the Preliminary Plat for the Rolling Hills of Fairview subdivision as submitted.

Mr. Rudy Rivas, 630 Oakmont Court, developer for the proposed subdivision, stated that he is working with the land owner to conform to the town's requirements.

The commission discussed the access easements and drainage issues to the proposed subdivision. There are currently none.

Commissioner Doi asked for clarification on the landscape requirements. Mr. Schmidt responded that the proposed plat currently meets the landscape requirements and it is fully buffered around the property. Commissioner Doi asked what will happen to the existing trees on specific lots. Mr. Schmidt stated that the tree survey will be done with the construction plans and until they have the survey he cannot specify what will happen.

Commissioner Friend asked if there will be public streets. Mr. Schmidt responded that yes they will be open.

Commissioner Doi stated that he supported the initial plan, but need to consider other factors when looking at the density, especially the benefit of a plan if they cannot save the trees.

Commissioner Hendricks made a motion to approve the Preliminary Plat for the Rolling Hills of Fairview subdivision as submitted and dated December 7, 2012. Commissioner Doi seconded that motion and the motion was unanimously approved.

- 3. Conduct a public meeting and take action regarding a Site Plan for the first phase of the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 5.942± acres and is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).**

Mr. Schmidt stated that this subject property consists of 5.942± acres and is annexed. The subject property is located in Zone J of the Commercial Planned Development District (CPDD) and not platted. The property is currently undeveloped; however, there are existing public rights-of-way and water utilities adjacent to the property. This Site Plan is for phase I for the Crossroads development, which will consist of a restaurant use and a mix of professional, personal services, and custom craft uses. The applicant has indicated that a portion of Building "B" has been dedicated to a family-owned coffee shop. Mr.

Schmidt indicated that as new business opportunities arise, the applicant will amend the approved Concept Plan, submit additional Site Plans and Replat the property to accommodate the remaining phases of the development. Mr. Schmidt stated with this submittal, the applicant is requesting several variances. While some of these are within reason, many of these requests, which include key components such as material requirements and colors, fail to meet the requirements and guidelines established in the CPDD zoning.

The town staff has conducted several reviews of the plans. Mr. Schmidt stated that the Lighting Plan fully conforms to the town's "dark skies" ordinance. Mr. Schmidt stated that although the Landscape Plan substantially conforms to the CPDD guidelines, there are several components that are still being addressed. The applicant has also not submitted a Sign Plan. Mr. Schmidt stated that the applicant is aware of the components of the Façade Plan that fail to conform to the CPDD requirements and guidelines for Zone J. A listing of the variance requests made by the applicant, along with staff recommendations was included within their packet. Mr. Schmidt stated based on these factors, staff recommends the following options: to recommend denial of the Site Plan without prejudice, to recommend that the Site Plan be tabled to a date certain, if requested by the applicant, or to recommend approval of the Site Plan conditioned upon the implementation of the Planning and Zoning Commission recommendations and further staff review.

Mr. Bowen, the developer, stated that they understand the issues that staff have pointed out within their plans. As they continue to develop this area, they are taking into account surrounding properties and their façades, landscaping, entrances, etc. so that their development adheres to the town's requirements and guidelines. Mr. Bowen indicated that they did not submit sign plans due to how the roadways will be built out, but will bring back a plan to staff. Mr. Bowen stated that with staff's guidance, he is ready to move forward with the project.

Commissioner Northcutt asked Mr. Bowen if he was okay with using natural stone. Mr. Bowen replied yes he was.

Commissioner Doi commented that he has no issue with using natural stone and he likes seeing the creativity of the building with its design. He likes the roof pitch and is okay with lightening the brick color. Commissioner Doi also indicated that he would like to see the sign plan and has no issues with the encroachment with the parking.

Commissioner Hendricks asked how many businesses they anticipate in this phase. Mr. Bowen replied two to four maybe five.

The consensus of the commissioner's on the following variance request items were as follows:

- Commissioners recommended approval of the easement provided due to the encroachment into the landscape easement.
- Commissioners recommended that the building materials conform to the 90% masonry requirement.
- Commissioners recommended that the building material colors be lighter and work with staff based on their recommendations.
- Commissioners recommended that the roof form submitted is okay and that the color be adjusted to compliment the natural stone.
- Commissioners recommended that for the windows and openings the developer use the awnings to provide for accentuation, and that they vary the elevation of the awnings.
- Commissioners recommended approval of the material patterns that were submitted.
- Commissioners recommended approval of the storefront system as submitted.
- Commissioners recommended the developer submit a sign plan.

Commissioner Doi made a motion to approve the Site Plan for Phase I of the Crossroads conditioned upon the items listed above. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

**4. Consider and take action on a Final Plat for the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 5.942± acres and is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).**

Mr. Schmidt stated that this Final Plat submittal conforms to the town's subdivision regulations and no additional right-of-way is needed. Town staff has reviewed all documents and recommends approval of this Final Plat conditioned upon Site Plan approval of phase I of this development.

Commissioner Friend made a motion to approve the Final Plat for the Crossroads development conditioned upon Site Plan approval. Commissioner Powell seconded that motion and the motion was unanimously approved.



**5. Discussion regarding development policy considerations concerning overall development project density in relation to minimum individual single-family lot sizes and take any necessary action.**

Mr. Schmidt stated that there have been proposed Planned Center (PC) developments that have had varied lot sizes in order to preserve tree clusters. The Comprehensive Plan does not allow for units less than an acre. During the past few months the commission and council have met to discuss this item. Both had expressed not wanting to address Bonus Zoning, but rather wanted the town staff to obtain additional information whereby the town council and/or the commission can further evaluate “average density zoning”. The town staff compiled a report addressing this topic by communicating with professional city planners in several Texas municipalities. Mr. Schmidt stated that staff also prepared a list of possible elements that might be included as part of an “average density”, single-family development process. Mr. Schmidt stated that at the November 6<sup>th</sup> Town Council meeting, their general consensus was that it seemed more appropriate to use the existing Planned Center (PC) and Planned Development (PD) zones versus creating a new zoning district. Staff enclosed a draft Average Density zoning procedure for the commissioners to address and provide feedback with emphasis on the section regarding ‘specific requirements’ outlined within the draft.

Commissioner Northcutt suggested that they not drop below one acre lots. Commissioner Northcutt stated that in his opinion nothing should fall below one acre. The commission agreed.

Commissioner Northcutt commented that the properties surrounding environment should be taken into consideration. Commissioner Powell suggested when the property is considered that she would like to see less housing. Mr. Schmidt stated that a PC or PD is not automatic and specific requirements must be met when one is considered.

Commissioner Doi stated that he would like to see the features of the properties preserved and in his opinion the purpose of the ordinance is a mechanism to allow the town to keep natural elements and/or features; therefore, likes what staff has put together within the draft. Chairman Campbell agreed and commented that the average would conform to how the property is zoned. Commissioner Friend agreed with Commissioner Doi’s statement and added that as long as the density doesn’t increase its original size.

Consensus of the commission was to forward the document to council for continued discussion.

- 6. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will review and discuss the town's tree protection ordinance and take any necessary action.**

Mr. Chancellor stated that the Tree Board can make recommended changes to the town's tree ordinance. Recently, an amendment was approved updating the tree list within the ordinance. If there is a consensus to make any additional changes and/or modifications to the ordinance the board may make these recommendations to the Town Council for their review.

Commissioner Doi commented that his concern was with residential homeowners removing trees from their front yards without permission, and questioned if this fell under the homestead exemption clause.

Commissioner Hendricks asked if this fell under the HOA bylaws. Commissioner Doi commented that theirs tends to have no clout. Mr. Chancellor stated that he can revise the ordinance and bring it back to the commissioners for their review.

Commissioner Hendricks asked who would enforce this issue. He stated that he supports the recommendation, but questions the capacity to enforce it. Commissioner Flood stated that they can enforce the landscape plan(s). Mr. Schmidt confirmed.

Consensus of the commissioners was to have staff revise the tree ordinance to strengthen the town's ability to prevent the removal of trees.

- 7. 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.**

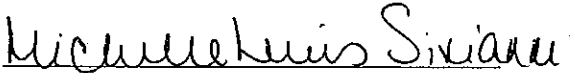
Mrs. Passini stated that the commissioners have met all the qualifications in order to resubmit the town's annual Tree City USA application. The Tree Board met four times within the 2012 calendar year, updated the existing tree ordinance, took part in an Arbor Day event, and contributed \$2.00 per capita to the Stacy Road project with plantings of trees and landscaping. Therefore, staff is recommending approval of this submission.

Commissioner Powell made a motion to approve the submission of the annual Tree City USA recertification application. Commissioner Flood seconded that motion and the motion was unanimously approved.

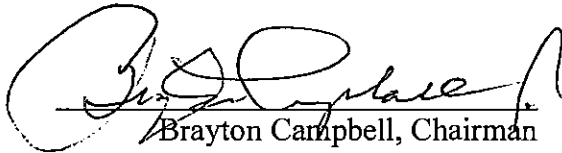
**8. Adjourn.**

Chairman Campbell adjourned the meeting at 9:19 p.m.

Respectfully submitted,

  
Michelle Lewis Sirianni  
Town Secretary



  
Brayton Campbell, Chairman  
Planning and Zoning Commission