

**TOWN COUNCIL
MEETING MINUTES
December 2, 2014**

The Town Council met in regular session on Tuesday, December 2, 2014 at 5:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, John Adler, Frank O'Reilly, Henry Lessner, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Chief Financial Officer, Jason Weeks; Town Engineer, James Chancellor; Planning Manager, Ken Schmidt; Police Chief, Granver Tolliver; Town Attorney, Clark McCoy; and Town Secretary/Public Relations Coordinator, Caitlin Scalley.

Mayor Culbertson called the meeting to order at 5:31 p.m. and declared a quorum was present.

The council then adjourned into executive session at 5:32 p.m. to consult with legal counsel regarding the Commercial Planned Development District (CPDD) and Comprehensive Plan and to discuss economic development negotiations and personnel issues.

Mayor Culbertson reconvened back into regular session at 7:26 p.m. and invited everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA:

All items listed under the consent agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and be considered separately. A) Approved minutes of the November 4, 2014 regular council meeting.

Councilmember O'Reilly made a motion to approve the consent agenda. Councilmember Powell seconded the motion, and the motion was unanimously approved.

SPECIAL EVENTS COMMITTEE REPORT: Hear from the Events Committee regarding charitable participation in the Gus Macker event, and take any necessary action.

Special Events Committee Co-Chairperson Chris Hendricks gave an overview of the committee's desire to designate two charities to enter a service agreement with the town for the Gus Macker Tournament. She stated these charities would perform an agreed upon service during the tournament and would receive compensation in return. Mrs. Hendricks stated the committee is recommending the council approve a minimum of \$2,000 per charity in return for services during the tournament. She stated the total amount per charity would be based on the number of volunteers provided by the organization. Ms. Couch clarified that should any amount over the \$2,000 be considered the Council would need to approve that additional amount.

Councilmember Hendricks made a motion to approve a minimum of \$2,000 per charity for two (2) charities in return for services during the Gus Macker Tournament. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

ORDINANCE AMENDING FUTURE LAND USE PLAN, M. CHRISTOPHER AND COMPANY: Continue a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for approval of an ordinance that shall amend the Future Land Use Plan component of the Comprehensive Plan for six tracts of land comprised of 72.959± acres and generally located east of Country Club Road (FM 1378) and 1,600' north of Stacy Road. The subject properties are currently designated as Residential Estate Country and Floodplain and the requested designation is for the Open Space Preservation and Floodplain land uses. (PA2014-02)

Mr. Schmidt gave an overview pertaining to planning cases PA2014-02 and ZA2014-15. He stated the applicant appeared before the Town Council at the October 7, 2014 and November 4, 2014 regular Town Council meetings. Mr. Schmidt stated the applicant presented a plan for 40 single family detached homes in October and a plan for 36 lots in November. He stated the council requested the applicant revise the plan and present a less dense development scenario that would result in a minimum average lot size of 1.5 acres at the December regular meeting. Mr. Schmidt stated the council expressed the desire to see the proposed open space trail remain as part of the plan for the applicant to give additional consideration to the existing lot configuration and buffering adjacent to Farmstead.

Mr. Schmidt stated the applicant addressed the council's request of increasing the average lot size by including portions of the flood control swale in the lots abutting Sloan Creek. He stated lot owners would not be able to develop this additional land as this land would continue to serve as a drainage swale. Mr. Schmidt stated the applicant is proposing to construct all of the depicted trails. He stated the applicant is proposing to construct the open space trail with decomposed granite in lieu of concrete. Mr. Schmidt stated staff recommends the homeowner's association maintain the open space trail if it is approved as it would require regular maintenance. He stated the other proposed trail sections would be constructed of concrete and maintained by the town.

The council had a discussion regarding the proposed flood control swale. Mr. Chancellor stated the applicant has proposed several different swale sizes primarily due to their need for additional dirt for fill. The council requested town staff explore federal funding opportunities for flood remediation in order to address the flooding issue for Montecito residents.

Mayor Culbertson continued the public hearing for planning cases PA2014-02 and ZA2014-15 from the October 7, 2014 and November 4, 2014 regular Town Council meetings.

Bryon Reid, on behalf of M. Christopher Homes, stated density had been moved to the northern side of the subject property. He stated the proposed hike and bike trail will be decomposed granite.

Councilmember Powell made a motion to suspend the public hearing. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

Mayor Culbertson stated the revised plan is not consistent with the town's vision or with the council's previous requests. He stated the flooding issue affecting Montecito residents is the town's responsibility. He requested that the Council address their thoughts regarding the revised proposal prior to reopening the public hearing. The council had a discussion regarding the proposed project as submitted and outlined their concerns.

Councilmember Lessner made a motion to reopen the public hearing. Councilmember Samuels seconded the motion, and the motion was unanimously approved.

Mr. Reid addressed the council's concerns regarding maintenance of the proposed swale. He stated M. Christopher Homes would not be creating lots that would face the same flooding issues as Montecito residents.

Kim Seaber, property owner of 1200 Camino Real and 1201 Farmstead, requested documentation proving Montecito homes would be moved out of the floodplain. She stated her opposition of the request and the proposed granite trail.

Trent Ballew, 531 Kentucky Lane, stated the proposed plan does not come close to meeting the town's Future Land Use Plan or zoning. He stated he does not trust the floodplain projections and his concerns regarding lot #11. He requested the council deny the request.

Roy Serpa, 412 Saddleback Drive, stated the project should comply with the Comprehensive Plan for the town and requested the council stick to the plan.

Sue Carnes, 875 Saint James Drive, stated her appreciation regarding the council listening to residents and stated the town should not continue to approve more homes when current services cannot support current number of homes.

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to deny the request to amend the Future Land Use Plan and to deny the request to rezone the subject property. Councilmember Lessner seconded the motion, and the motion was unanimously approved. During the discussion and action portion of the agenda, Mayor Culbertson asked for clarification of the council's intent for denying the zoning change request. Councilmember Powell made a motion to deny the request to rezone the subject property with prejudice. Councilmember Lessner seconded the motion. The council had a discussion regarding how denying with prejudice would affect future requests. The motion was unanimously approved.

REZONING ORDINANCE, M. CHRISTOPHER AND COMPANY: Continue a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for approval of an ordinance that shall rezone six tracts of land comprised of 72.959± acres and generally located east of Country Club Road (FM 1378) and 1,600' north of Stacy Road. The subject properties are currently zoned Agriculture (AG), Two-Acre Ranch Estate (RE-2), and the

Open Space and Flood Hazard (FH) zones. The requested zoning change is for the Planned Center (PC) Zoning District, specifically, to provide for single-family detached and open space uses. (ZA2014-15)

Planning cases PA2014-02 and ZA2014-15 were combined into one public hearing. The public hearing was continued from the October 7, 2014 and November 4, 2014 regular Town Council meetings. Town Council unanimously voted to deny the request to rezone the subject property with prejudice.

ORDINANCE AMENDING FUTURE LAND USE PLAN, LANDPLAN DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request by LandPlan Development for an amendment to the Future Land Use Plan component of the Comprehensive Plan for a 76.9± acre tract comprised of the 56.2± acre Williams tract, 17.5± acres comprised of Lot 1B and Lot 1-1, Block A, Ward Addition (Price Tract), and a 3.2± acre segment of Lots 2 and 3, Jackson Estates Addition, and that is generally located west of Stoddard Road and north of Sloan Creek. The subject properties are currently designated as Residential Estate and the requested designation is for the Residential Suburban land use. (PA2014-03)

Mr. Schmidt recommended one public hearing be held concurrently for planning cases PA2014-03 and ZA2014-18. He gave a presentation pertaining to planning cases PA2014-03 and ZA2014-18. Mr. Schmidt stated the applicant is proposing a preliminary plan for 125 single-family detached lots and 12.57 acres of open space. He stated the open space would be maintained by the homeowner's association and would include public hike and bike trails. He stated the proposed neighborhood would develop in several phases with an anticipated buildout in the summer of 2018. He stated the proposed development provides for two points of access on Stoddard Road, and the applicant is accommodating a potential right-of-way dedication that may allow the town to extend a roadway across Sloan Creek.

Mr. Schmidt stated the primary concerns from residents have been density and the potential impact on the roadway network. Mr. Schmidt stated the applicant prepared a Traffic Impact Analysis (TIA) that indicated a traffic signal at the FM1378/Stoddard Road intersection will raise the level of service from an "F" to a "B" at certain peak times. Mr. Schmidt stated town staff recognizes the traffic signal is needed regardless of whether the proposed development is approved. He stated the applicant is proposing to contribute roadway impact fees to install the traffic signal, but there is no guarantee the state will approve installation of the signal.

Mr. Schmidt stated there are discrepancies with density in comparison to adjacent neighborhoods.

Mr. Schmidt stated fifty-two (52) property owners were notified in accordance with town and state law. Town staff received more than 300 statements of opposition and a petition with 379 signatures submitted through a resident-controlled website. Mr. Schmidt stated there is overlap in signatures between the petition and statements of opposition. He indicated that 25% of the area within 200 feet had not submitted letters of opposition; therefore, a supermajority vote is not

required. Mr. Schmidt stated town staff received a handful of statements of support and no response from the school districts.

Mr. Schmidt stated the Planning and Zoning Commission recommended approval of the request to amend the Future Land Use Plan and the request to rezone the subject property, both with a 3-1 vote. Mr. Schmidt stated the applicant has further reduced the number of lots since the Planning and Zoning Commission recommendation from 134 lots to 125 lots.

Mayor Culbertson opened the public hearing.

Jim Williams, on behalf of LandPlan Development Corporation, gave an overview of previous projects from the Dallas-Fort Worth area in order to demonstrate the quality of their projects.

Bruce Smith, on behalf of LandPlan Development Corporation, stated the location of the property has posed a challenge for developing the property due to the differing school districts. He gave an overview of the proposed project and stated the target market will be empty-nesters, retirees and couples without school children.

Douglas Mousel, on behalf of LandPlan Development Corporation, stated the plan was approved by the Planning and Zoning Commission with 134 lots and LandPlan has chosen to further reduce the proposed density to 125 lots. He gave an overview of the project, including tree preservation, street design and the hike and bike trail. He stated a connection to Sloan Creek Parkway could be accommodated if desired by the council.

Mr. Williams requested the council vote to continue the public hearing to regular Town Council meeting on January 6, 2014 in order to meet with ad-hoc resident groups. Mayor Culbertson stated the council would make a decision on the requests by LandPlan at the current meeting.

Councilmember Samuels made a motion to suspend the public hearing. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

Mayor Culbertson asked the council to outline their thoughts and concerns with the proposed project. The council had a discussion regarding tradeoffs for approving higher density and challenges unique to the subject property. The council discussed traffic issues and the need for a traffic signal at the intersection of FM1378 and Stoddard Road. The council had a discussion regarding alternative points of access to help reduce additional traffic on Stoddard Road.

Councilmember Powell made a motion to reopen the public hearing. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

Mr. Mousel requested the council consider rezoning the Price property as One-Acre Ranch Estate (RE-1). Mayor Culbertson stated the council will only consider the submitted requests at the current meeting and advised the applicant to resubmit any new plan or request for review at a later date.

Richard Hickman, 1220 Camino Real, stated his concerns regarding proposed density and stated the challenges of the property presented by the applicant should not be considered because they

existed prior to the applicant developing the plan. He stated his concerns regarding the Planning and Zoning Commission.

John Harkins, 411 Oak Ridge Drive, stated his concerns regarding the Planning and Zoning Commission. He stated the commission should deny non-conforming requests.

Bruce Kelley, 800 Country Club, stated there is a lack of consistency in the Town Council and Planning and Zoning Commission's decisions over the past ten (10) years. He requested the council re-evaluate the town's Comprehensive Plan.

Ginger Gouvion, 911 Foxglove Trail, stated these planning cases have generated resident involvement which should be viewed as positive.

Jerome Crews, 1460 Meandro Ria acknowledged the Town Engineer's approval rating and stated his concerns regarding the Planning and Zoning Commission.

Ronen Kahana, 705 Elmbrook, stated he is not opposing the development of the property, but he is opposing the requests. He stated the primary concern gathered from the resident-controlled website is density. He provided council a map related to the location of signatures obtained from the petition on the resident-controlled website.

Michael Peay, 915 Foxglove Trail, stated his concerns regarding safety and traffic issues, including the reliability of the traffic study provided by staff.

Richard Ellison, 1160 Rowley Mile, stated his concerns regarding safety due to traffic.

Kent Broyhill, 1181 Rowley Mile, stated his faith in the council has been restored.

Ross Tarkington, 960 Hart Road, stated he wishes the council could make things work out for Chuck Williams.

Mayor Culbertson closed the public hearing.

Councilmember Adler made a motion to deny the request to amend the Future Land Use Plan and to deny the request to rezone the subject property without prejudice. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

Mayor Culbertson explained the steps an applicant must take after the council has denied a zoning change request with prejudice versus having denied the request without prejudice.

REZONING ORDINANCE, LANDPLAN DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request by LandPlan Development for a zoning change for a 76.2± acre tract of land comprised of a 55.5± acre segment of the Williams tract, 17.5± acres comprised of Lot 1B and Lot 1-1, Block A, Ward Addition (Price tract), and a 3.2± acre segment of Lots 2 and 3, Jackson Estates Addition (Jackson tract), and that is generally

located west of Stoddard Road and north of Sloan Creek. The subject properties are currently zoned Agricultural (AG) and One-Acre Ranch Estate (RE-1), and the requested zoning change is for the Planned Center (PC) Zoning District, specifically, to provide for single-family detached and open space uses. (ZA2014-18)

Planning cases PA2014-03 and ZA2014-18 were combined into one public hearing. Town Council unanimously voted to deny the request to rezone the subject property without prejudice.

AMEND DEVELOPMENT PLAN – NORTHEAST CORNER OF SLOAN CREEK PARKWAY AND POND BLUFF WAY: Conduct a public hearing, consider, and take any necessary action on a request by Travis Carpenter to amend the development plan for a 1.461± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Neighborhood Edge Sub-district, and is generally located at the northeast corner of Sloan Creek Parkway and Pond Bluff Way, being Lot 7, Block J, of the Sloan Creek Estates – Phase III Addition. (DP2014-01)

Mr. Schmidt gave a presentation pertaining to planning cases DP2014-01 and R2014-02. He stated the purpose of the application is to subdivide the existing lot into two lots that would support single-family residential development. Mr. Schmidt gave an overview of the review process and current zoning entitlements for the subject property. He stated the proposed development would not require the extension of any municipal roadways or utilities as the subject property was originally planned to be comprised of at least two lots. He stated each lot owner will be required to extend the sidewalk and it will terminate at the town's lift station site.

Mr. Schmidt stated property owners were notified in accordance with town and state law. Town staff received two (2) statements of support and eight (8) statements of opposition. Mr. Schmidt stated the Planning and Zoning Commission's motion to approve the requests to amend the development plan and to replat the subject property failed with a 2-2 vote. He stated the Planning and Zoning Commission's recommendation should be considered neutral because a simple majority was not achieved. He stated town staff recommends approval of the requests conditioned upon the applicant providing a landscape buffer adjacent to the pump station site and providing for evergreen plantings within that landscape buffer as a condition of occupancy for the newly created lot.

The council had a discussion regarding the applicant's attempt to acquire land to the north of the subject property. Mr. Schmidt stated the applicant had contacted the property owner and determined it was not viable to purchase the property to the north of the subject property.

Mayor Culbertson opened the public hearing.

Nora Carpenter, the applicant and property owner, stated her family's intent from the time of purchase was to subdivide the property. She stated the subject property is equal to six (6) adjacent properties. Mrs. Carpenter stated she is willing to invest in the smaller proposed lot by creating a landscape buffer or transporting existing trees. She stated she is considering the interest of her neighbors and of the future property owner of the smaller proposed lot.

Ed Hayes, 445 Sloan Creek Parkway, stated he is in favor of subdividing the lot and his concerns regarding appropriate buffering have been addressed.

Mayor Culbertson closed the public hearing.

The council had a discussion regarding preferences related to the size of each proposed lot.

Councilmember Hendricks made a motion to approve the request to amend the development plan for the subject property and to replat the subject property conditioned upon each lot being .73 acres. Councilmember Powell seconded the motion, and the motion carried with six (6) in support and one (1) in opposition. Councilmember Lessner opposed the motion.

REPLAT – NORTHEAST CORNER OF SLOAN CREEK PARKWAY AND POND BLUFF WAY: Conduct a public hearing, consider, and take any necessary action on a request by Travis Carpenter to replat a 1.461± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Neighborhood Edge Sub-district, and is generally located at the northeast corner of Sloan Creek Parkway and Pond Bluff Way, being Lot 7, Block J, of the Sloan Creek Estates – Phase III Addition. **(R2014-02)**

Planning cases DP2014-01 and R2014-02 were combined into one public hearing. Town Council approved the request to replat the subject property conditioned upon each lot being .73 acres with a 6-1 vote. Councilmember Lessner voted in opposition of the motion.

CUP – FAITH CHURCH OF COLLIN COUNTY: Conduct a public hearing, consider, and take any necessary action on a request by Faith Church of Collin County, for approval of a Conditional Use Permit (CUP) on a 2.99± acre tract of land located within the John A. Taylor Survey - ABS No. 909, and that is generally located at the southwest corner of Murray Road and State Highway 5. The subject property is currently zoned One-Acre Ranch Estate (RE-1) and the purpose of the CUP request is to provide for a religious institution on the subject property. **(ZA2014-20)**

Mr. Schmidt gave a presentation pertaining to a request by Faith Church of Collin County for approval of a Conditional Use Permit. He stated the applicant is proposing to provide for an Anglican church on the subject property and have planned for two (2) phases in order to meet their current needs and their buildout membership of 200 members. He stated the primary activity on the property will include two worship services on Sunday and bible studies, youth meetings and other activities throughout the week.

Mr. Schmidt stated access to the site will be provided from Highway 5 and Murray Road. He stated the traffic impact of the church will be fairly minor based on existing and projected membership. Mr. Schmidt stated the applicant will be required to accommodate stormwater detention on the site. Mr. Schmidt stated the applicant has provided for 67 parking spaces. He stated the proposed outdoor lighting plan conforms to the town's outdoor lighting requirements.

Mr. Schmidt stated the applicant's façade plan provides for a sanctuary building design consistent with the estate residential character of the surrounding area.

Mr. Schmidt stated property owners were notified in accordance with town and state law. Town staff received no statements of support and no statements of opposition. Mr. Schmidt stated the applicant held an open house with adjacent property owners. He stated the Planning and Zoning Commission recommends approval of the application. Mr. Schmidt stated town staff recommends approval of the application as submitted.

The council had a discussion regarding proposed parking, dark skies conformance and the fellowship hall building.

Mayor Culbertson opened the public hearing.

Sherri Richmond, on behalf of Faith Church of Collin County, stated the majority of the congregation is from Fairview, Lucas and Allen.

Leland Payne, 398 Parkvillage Avenue, stated his concerns regarding the bell tower. Mr. Schmidt stated his concerns are addressed in the Site Plan notes as the bell tower uses are limited to chimes and bells.

John Clifford, on behalf of Faith Church of Collin County, stated the bell tower would not include a public announcement system. He stated the bell would be used at the end of service and for weddings.

Mayor Culbertson closed the public hearing.

Councilmember Adler made a motion to approve the Conditional Use Permit in order to provide for a religious institution on the subject property. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

FAIRVIEW PARKWAY: Discuss planning for Fairview Parkway, consider authorizing the Town Manager to proceed with selection of engineering firm for design of Fairview Parkway, and take any necessary action.

Mrs. Couch stated the county requested submissions for supplemental money for projects within Collin County. She stated the Town of Fairview submitted projects for Fairview Parkway and Frisco Road. She stated the county was able to fund thirteen (13) projects, and the number one city project was Fairview Parkway. Mrs. Couch stated total funding is \$855,000 and is offered as a 50/50 match with town funding. She stated the Frisco Road project was not selected for funding. Mrs. Couch stated the town has existing allocations from the county that can be used toward Fairview Parkway. She stated the town completed a preliminary review of the alignment of Fairview Parkway and Frisco Road, as well as projected costs for engineering, right of way and construction as part of the Commercial Planned Development District (CPDD) plan update. She stated the next step is to complete the engineering/final design and acquire the right of way.

The council had a discussion regarding future development negotiations pertaining to right of way cost.

Councilmember Samuels made a motion to authorize the Town Manager to proceed with the selection of an engineering firm to design Fairview Parkway. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

Mayor Culbertson asked for clarification of the council's intent for denying the zoning change request for planning case ZA2014-15. Councilmember Powell made a motion to deny the request to rezone the subject property with prejudice. Councilmember Lessner seconded the motion. The council had a discussion regarding how denying with prejudice would affect future requests. The motion was unanimously approved.

TOWN PROCEDURES FOR FREEZING WEATHER: Discuss town procedures related to freezing weather, and take any necessary action.

Mr. Wilbourn stated the Public Works Manager formalized his procedures for responding to frozen precipitation events that require intersections, roads and entrances to be de-iced or cleared of debris in order to allow emergency responders and essential town staff to safely navigate the roads. He stated the first priority is to ensure that public safety access is available. Mr. Wilbourn gave an overview of the procedures, including explaining the priority tiers and areas of responsibility.

The council had a discussion regarding areas of town needing to be addressed during freezing weather. No action was taken.

Mayor Culbertson stated he would like to review the natural disaster plan at a future meeting.

CITIZEN'S INPUT:

Gary Carter, 1000 Timber Lane, commended the Town Council on their efforts toward improving the community. He stated the town may have the opportunity to become certified as a Dark Sky Place. He stated he would like to include dark skies articles in the town newsletter.

Fay Martin, 1415 Meandro Ria, asked about the best way to get in touch with a developer. Mr. Schmidt stated he would facilitate contact with the developer.

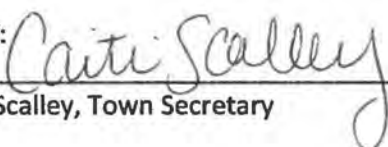
REPORTS FROM STAFF:

Mr. Weeks stated he would have more detailed October and November financial reports after the conclusion of the fiscal year-end annual audit.

Mayor Culbertson adjourned the meeting at 11:43 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Caitlin Scalley, Town Secretary

