TOWN COUNCIL
MEETING MINUTES
March 3, 2015

The Town Council met in regular session on Tuesday, March 3, 2015 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Council Members Henry Lessner, Frank O'Reilly, Paul Hendricks, Ron Samuels and Renee Powell; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Engineer-In-Training, Danielle Gregory; Chief Financial Officer, Jason Weeks; Police Chief, Granver Tolliver; Town Attorney, Clark McCoy; and Town Secretary/Public Relations Coordinator, Caitlin Scalley. Council Member John Adler was absent.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation. The council discussed land acquisition for town facilities, personnel issues and economic development negotiations.

Mayor Culbertson reconvened back into regular session at 7:36 p.m. and invited everyone to stand for the Pledge of Allegiance. Pastor Chad Womack led the invocation.

PRESENTATION FROM WEAVER AND TIDWELL – AUDIT: Presentation from Weaver and Tidwell regarding the annual independent audit for the fiscal year ending September 30, 2014, and take any necessary action.

Mr. Weeks stated an annual independent audit of the town's finances and administrative activities is required by the town's charter. He stated the auditing firm of Weaver and Tidwell was selected to conduct the annual independent audit for the fiscal year ending September 30, 2014. He stated the goal of the audit is to provide assurance that the financial statements for the fiscal year end are free of material misstatement. Mr. Weeks stated the audited Comprehensive Annual Financial Report (CAFR) for the town was issued February 27, 2015. He stated the auditors issued an independent auditor's report on internal controls over financial reporting and on compliance matters based on an audit of financial statements performed in accordance with government auditing standards. Mr. Weeks stated the auditors identified a certain deficiency in internal controls related to the economic development agreement with the Village at Fairview, L.P. He stated the deficiency related to the timing of payments. Mr. Weeks stated the town will work with MG Herring Group to develop controls and processes that will ensure the town correctly pays and accounts for amounts due under the agreement.

John DeBurro, on behalf of Weaver and Tidwell, gave an overview of the audit process. He stated the firm has issued unmodified financial statements for the fiscal year ending September 30, 2014 and issued an internal control report that identified one significant deficiency as described by Mr. Weeks. Mr. DeBurro presented a two year comparison for expenditures and revenues. He reviewed standards that are required to be implemented for the fiscal year ended September 30, 2015.

Mayor Culbertson requested town staff publish the CAFR on the town website and include information related to the financials in the April newsletter.

Councilmember Hendricks made a motion to accept the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2014. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

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) Approve minutes of the January 27, 2015 special council meeting and the February 3, 2015 regular council meeting. B) Approve an Amending Plat, Lots 7 and 8, Block A of the Tranquility Farms Addition to the Town of Fairview. C) Approve the release of retainage for the 2013 Residential Street Paving Improvements. D) Authorize the Town Manager to enter into a Water Tower Use License Agreement with Rhino Communications, Inc. for the water tower located at 1200 Stacy Road. E) Approve a request by Chase Oaks Church for approval of a Final Plat for a religious institution on a 10.68± acre property that is generally located north of Stacy Road and 1,400' west of Meandering Way. F) Table a request to execute a facilities agreement with DD Fairview II LLC regarding the construction of public open space improvements for a proposed multi-family residential development that is generally located west of SH 5 and north of Meandering Way to the next scheduled Town Council meeting G) Table a request by TxMorrow Construction to approve a Final Plat for a proposed multi-family residential development on a 24.40± acre tract of land that is zoned Commercial Planned Development (CPDD) District, Urban Village Sub-District, and is generally located west of SH 5 and north of Meandering Way to the next scheduled Town Council meeting.

Councilmember Lessner requested item A be removed from the consent agenda, so that he could abstain from the vote due to his absences at the January 27, 2015 and February 3, 2015 meetings.

Councilmember O'Reilly made a motion to approve items B, C, D, E, F and G on the consent agenda. Councilmember Powell seconded the motion, and the motion was unanimously approved.

Councilmember Samuels made a motion to approve item A on the consent agenda. Councilmember Powell seconded the motion, and the motion carried with five (5) approvals and one (1) abstention. Councilmember Lessner abstained from the vote.

CUP – 61 MAN O WAR LANE: Conduct a public hearing, consider, and take any necessary action on a request by Mr. Pete Soliz, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 61 Man O War Lane, being Lot 60 of the Fairview Farms #4 Addition to the Town of Fairview. **(ZA2015-01).**

Mr. Schmidt stated the applicant withdrew his application following the February 12, 2015 Planning and Zoning Commission meeting. He stated the commission unanimously opposed the application. Mr. Schmidt stated the application would require a supermajority vote of support from the council due to the commission's unanimous opposition. Mr. Schmidt recommended the council open the public hearing and take action on the request.

Mayor Culbertson opened the public hearing. No comments were made.

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to deny the request for a CUP at 61 Man O War Lane. Councilmember Hendricks seconded the motion. Councilmember Hendricks clarified the denial would be without prejudice. The motion to deny the CUP without prejudice was unanimously approved.

REPLAT- LOTS 52 AND 53, BLOCK A OF THE RIVER OAKS II ADDITION: Conduct a public hearing, consider, and take any necessary action on a request by Saleem Rajani for a Replat of Lots 52 and 53, Block A of the River Oaks II Addition in order to create one additional residential lot from the land area of the two existing residential lots. The subject properties are zoned One-Acre Ranch Estate (RE-1) and are generally located north of Oakglen Circle. **(R2015-02).**

Mr. Schmidt gave a presentation regarding a request to replat lots 52 and 53, Block A of the River Oaks II Addition in order to create an additional lot from the existing lots. He stated the plat application process is a ministerial process, and the town must approve the plat if the application conforms to the zoning of the subject property and subdivision and development regulations. He stated the town must ensure the replat conforms to the restrictive covenants of the River Oaks II Addition. Mr. Schmidt stated the town attorney and staff determined the replat fully conforms to the restrictive covenants.

Mr. Schmidt stated the replat will not require the extension of public infrastructure. He stated town staff has requested a visibility easement adjacent to Meandering Way in order to allow for trimming and removal of some of the tree cover. He stated the applicant will be required to provide cash in lieu of parkland dedication for the newly created lot.

Mr. Schmidt stated property owners were notified in accordance with town and state law. Mr. Schmidt stated the Planning and Zoning Commission unanimously recommended approval of the request. Mr. Schmidt stated town staff recommends approval of the request.

Mayor Culbertson opened the public hearing. No comments were made.

Mayor Culbertson closed the public hearing.

Councilmember O'Reilly made a motion to approve the request to replat Lots 52 and 52, Block A of the River Oaks II Addition. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

<u>ZONING CHANGE, M. CHRISTOPHER AND COMPANY:</u> Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for a zoning change 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 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 residential uses. **(ZA2015-02)**.

Mayor Culbertson stated the Town Council denied with prejudice a previous application for the subject property at the December 2, 2014 Town Council meeting. He stated the Town Attorney reviewed the current application and determined the current application is significantly different; therefore, the applicant can proceed with the application process.

Mr. Schmidt gave a presentation regarding a request to rezone the subject property. He stated the proposed plan provides for 31 single family residential lots. Mr. Schmidt stated the current application was tabled at the February 12, 2015 Planning and Zoning Commission. The Planning and Zoning Commission's motion to approve the request failed with a 3-3 vote at the February 26, 2015 Planning and Zoning Commission meeting.

Mr. Schmidt stated the applicant has provided for access to the proposed neighborhood allowing for public access from FM1378 and emergency access from Farmstead and from the property to the south. He stated the applicant is proposing an easement for an unimproved nature trail. Mr. Schmidt stated the applicant addressed the commission's lot size concerns by redistributing density in order to affect the northern portion of the subject property. Mr. Schmidt stated the proposed flood control swale will run parallel to Sloan Creek and will improve the floodplain scenario. He stated the applicant is proposing to reclaim approximately 16 acres of floodplain.

The council had a discussion regarding the proposed flood control swale. Mr. Chancellor stated future property owners will own portions of the swale. Mr. Schmidt stated a maintenance provision could be included if the council desired.

Mr. Schmidt stated the applicant prioritized lot size and no public space was accommodated for due to feedback from the previous application. Mr. Schmidt stated sixty-six (66) property owners and Lovejoy ISD were notified in accordance with town and state law. Town staff received twelve (12) statements of opposition and two (2) statements of support. Mr. Schmidt stated five (5) residents spoke at the February 26, 2015 Planning and Zoning Commission public hearing and none were in opposition to the request.

The council had a discussion regarding access to the proposed development and the proposed swale.

Mayor Culbertson opened the public hearing.

John Harkins, 411 Oakridge, requested clarification for zoning on the subject property and stated concerns regarding lots with floodplain.

Leslie Knight, 841 Beechwood Lane, stated there was not a substantial difference from the previously denied application.

Mr. McCoy stated the requested zoning is a different classification, and it has been determined there is a significant difference from the previous application.

Justin Jinright, 571 Kentucky Lane, stated future residents will understand the risk associated with purchasing property within the floodplain. He stated his support for the plan and requested the council consider preserving the pecan trees near the eastern boundary of the swale.

Bryon Reid, on behalf of M. Christopher, reviewed the projected benefits of the proposed swale.

Stark Langs, 831 Beechwood Lane, stated his opposition to the request and stated the floodplain is unbuildable.

Wynne Allen, 1021 Hart Road, stated her concerns regarding the proposed trail and stated she is disappointed in the amount of litter on Hart Road.

Jake Seale, 480 Home Place, stated his support for emergency access only on Farmstead.

Kirsch Smith, 470 Country Club, stated his support for floodplain reclamation for the subject property, the development of the properties together and emergency access only on Farmstead.

Mayor Culbertson closed the public hearing.

The council had a discussion regarding resident privacy in relation to the proposed trail and the distribution of lots on the northern portion of the property. The council had a discussion regarding the effect of floodplain reclamation on future property owners and the desire to keep Farmstead as emergency access.

The council had a discussion with the applicant regarding increasing the size of specific lots. Mr. Reid stated it would not be financially feasible, and he had visual concerns with consistency of lot sizes.

Councilmember Powell made a motion to deny the zoning request. The motion failed for lack of a second.

Mr. Schmidt stated the applicant is requesting the council to consider rezoning the Toll property from AG to RE-2. The council had a discussion regarding the request and determined the council would not address the request.

Councilmember Lessner made a motion to deny without prejudice the zoning request. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

DEVELOPMENT PLAN FOR PARKSIDE AT FAIRVIEW, TOLL BROTHERS: Conduct a public hearing, consider, and take any necessary action on a request by Toll Brothers, Inc. to approve a Development Plan for Parkside at Fairview, a proposed residential neighborhood comprised of sixty residential lots, four common area lots, and one public open space dedication. The subject property is currently zoned Planned Center (PC) and is generally located south of Stacy Road and 1,300' west of Orr Road. **(DP2014-05).**

Mr. Schmidt gave a presentation regarding a request to approve a development plan in order to accommodate the Parkside at Fairview neighborhood. He reviewed the Planned Center zoning process. Mr. Schmidt stated the council approved a land use amendment and zoning change for the subject property at the November 4, 2014 Town Council meeting. Mr. Schmidt stated the development plan is consistent with the approved preliminary plan and development standards, including lot yield and RE-1 zoning requirements.

Mr. Schmidt stated the applicant has provided for two points of access on Stacy Road, and the proposed development requires a 40 foot dedication of right-of-way. Mr. Schmidt stated a portion of the proposed right-of-way is currently incorporated into an access easement for the entryway to the Thompson Springs neighborhood. He stated the applicant and town staff will work with the Thompson Springs HOA in order to accommodate the abandonment of this easement and the provision of a landscape and sign maintenance easement for the Thompson Springs entryway feature. Mr. Schmidt reviewed the proposed street cross section. Mr. Schmidt stated the development would be served by existing waterlines, and the applicant is providing for water lines throughout the interior of the proposed neighborhood. He stated preliminary drainage plans indicate the applicant will utilize storm sewer instead of an open drainage system.

Mr. Schmidt stated the applicant is providing for a significant landscape buffer at Stacy Road. Mr. Schmidt stated the applicant is proposing a nonconforming lighting configuration for the entryway features similar to adjacent neighborhoods. Mr. Schmidt stated town staff believes the proposed lighting configuration meets the intent of the town's dark skies ordinance and is appropriate for the site.

Mr. Schmidt stated the applicant is proposing to dedicate all open space between the Thompson Springs subdivision and the proposed residential lots as public parkland. He stated the applicant is also proposing an 8 foot concrete trail that would connect existing trails.

The council had a discussion regarding access to a future parking area in the open space area. Mr. Schmidt stated parking for the open space would be best addressed with the update to the town's park plan.

Mr. Schmidt stated the Planning and Zoning Commission recommended approval of the request conditioned upon removal of the sidewalks. Mr. Schmidt stated the applicant has revised the plan in order to respond to the commission's feedback. He stated the commission also had concern for parking for the open space. Mr. Schmidt stated town staff recommends approval of the request as submitted.

Mayor Culbertson opened the public hearing. No comments were made.

Mayor Culbertson closed the public hearing.

Councilmember Samuels made a motion to approve the development plan for Parkside at Fairview. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

MAJOR WARRANTS- SE CORNER OF SH5 AND BLUEBIRD LANE: Conduct a public hearing, consider, and take any necessary action on a request by Grenadier Homes for Major Warrants pertaining to building type standards and architectural standards for a 14.22± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Transition Sub-district, and is generally located at the southeast corner of State Highway 5 and Bluebird Lane. **(MW2014-03).**

Mr. Schmidt gave a presentation regarding a request by Grenadier Homes for major warrants pertaining to building type standards and architectural standards in order to establish a residential neighborhood comprised of fifty-five (55) townhomes and sixteen (16) single-family detached lots. Mr. Schmidt stated this application is the first CPDD application for the council to review since the adoption of the new code. Mr. Schmidt gave an overview of the major warrants evaluation criteria and existing entitlements for the subject property.Mr. Schmidt stated the council should only consider items that require Major Warrants during this public hearing, and not components of the application that conform to the code.

Mr. Schmidt stated the applicant is requesting three (3) major warrants, including: a request for a reduction in the required garage offset for front entry garages, a request for reducing the minimum lot depth for the Townhome I building type and a request to waive the requirement to elevate the entry stoop or porch. Mr. Schmidt stated the modifications the applicant has made to the plan meets the intent of the Urban Transition Sub-District of the CPDD. Mr. Schmidt stated five (5) minor warrants were approved by the Town Manager.

Mr. Schmidt stated there was resident concern during the Planning and Zoning Commission meeting regarding trash can visibility. Mr. Schmidt stated the applicant has addressed the concern by providing landscape screening for trash cans and air conditioning units.

Mr. Schmidt stated seventy-six (76) property owners and McKinney ISD were notified in accordance with town and state law. Mr. Schmidt stated the Planning and Zoning Commission's motion to approve the request failed with a 3-3 vote. Mr. Schmidt stated the commission does not have a recommendation. Mr. Schmidt stated town staff recommends approval of the request as submitted.

Mayor Culbertson stated he would like to hear from the council and applicant before hearing from residents.

Mayor Culbertson opened the public hearing.

Anthony Natale, on behalf of Grenadier Homes, provided examples of the Grenadier homes product. He stated he has received feedback concerning access on Bluebird and is proposing to widen Bluebird.

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

The council had a discussion regarding resident feedback related to emergency access on Bluebird and the configuration of the proposed homes along Bluebird. The council had a discussion regarding the buffer from the 2005 concept plan. The council had a discussion regarding the major warrants requests.

Councilmember Hendricks made a motion to reopen the public hearing. Councilmember Powell seconded the motion, and the motion was unanimously approved. Mayor Culbertson reopened the public hearing.

Stephanie Hunt, 980 Briardale Court, stated concerns regarding providing water to high density development and stated the desire for a single access point to the neighborhood.

Steve Ogden, 541 Bluebird Lane, stated the proposed neighborhood affects the lifestyle of the existing residents. He stated the proximity of the proposed homes do not provide an appropriate transition and requested a significant buffer between neighborhoods.

A representative of the Villas in the Park HOA stated the HOA is requesting the current issues in the Villas in the Park be resolved prior to the approval of a new development.

Nancy Ellis, 5713 Hummingbird Lane, stated her support for the request.

Arthur Hood, 521 Bluebird Lane, stated his opposition to the request due to public access concerns on Bluebird and stated the proposed homes should be the same zoning as adjacent properties.

Cody Hooper, 491 Bluebird Lane, stated he had a petition with more than 150 signatures from residents opposed to the request. He stated his opposition due to lot size and public access on Bluebird.

John Harkins, 411 Oakridge, stated the town has lost sight of Fairview's vision and stated the need for lower density.

Max Wood, 551 Bluebird Lane, stated her opposition to the proposed density due to traffic congestion and safety of the residents. She stated the proposed development is not consistent with the lifestyle of current residents.

Anthony Greene, 520 Bluebird Lane, stated his opposition to the request due to safety concerns and traffic congestion on Bluebird.

Liz McFadden, 501 Bluebird Lane, requested the lots fronting Bluebird be half to one acre lots and that Bluebird remain emergency access only.

Scott Brauen, 481 Bluebird Lane, stated his opposition to the request due to safety concerns and the proposed density.

Samuel Bell, 571 Bluebird Lane, stated his opposition to the request due to traffic congestion.

Lori Lauter, 717 Elmbrook, stated her opposition to the request due to traffic congestion and the impact the development will have on Bluebird residents.

Mayor Culbertson closed the public hearing. There was no discussion.
Councilmember Samuels made a motion to deny without prejudice the request for major warrants for the subject property. Councilmember O'Reilly seconded the motion. The council had a discussion regarding access on Bluebird. The motion was unanimously approved to deny the request without prejudice.

MAJOR WARRANTS- LOT 5, BLOCK A OF THE VILLAGE AT FAIRVIEW ADDITION: Conduct a public hearing, consider, and take any necessary action on a request by Fairview Hospitality LLC for Major Warrants pertaining to block face configuration standards, building type standards, and architectural standards for a 1.5284± acre segment of Lot 5, Block A of the Village at Fairview Addition that is zoned Commercial Planned Development District (CPDD) – Urban Village Sub-district, and is generally located at the southeast corner of Convention Drive and Murray Farm Road. **(MW2014-02)**.

Mr. Schmidt gave a presentation pertaining to planning cases MW2014-02 and R2015-01 regarding a major warrant request for Fairview Hospitality, LLC pertaining to block face configuration standards, building type standards and architectural standards in order to establish a Hilton Home2 Suites extended stay hotel. Mr. Schmidt stated the applicant is also applying for a replat of the subject property. Mr. Schmidt gave an overview of the Major Warrants evaluation criteria.

Mr. Schmidt stated the existing use on the subject property is designated as a temporary use. The Village at Fairview sand volleyball courts currently occupy the site. Mr. Schmidt stated the projected land use calls for infill development opportunity, and the town recognized the need for unique treatment of existing developments that were partially built out when the CPDD code was updated. Mr. Schmidt stated the proposed hotel is consistent with the existing character of the Village at Fairview.

Mr. Schmidt outlined the seven major warrant requests including exceptions to the building orientation requirements, public open space requirements, facade rhythm and building articulation intent, transparency requirements through the provision of windows and entryways, full public realm treatment by providing for a 10 foot sidewalk clear zone.

Mr. Schmidt stated the applicant and property owner worked with staff to attempt to meet the town's updated CPDD code, but restrictions dictated by Hilton have required the applicant to request major warrants. Mr. Schmidt stated the proposed plan presents challenges to conforming to the town's code, but the council should also consider the town's long term economic development goals and the need to continue to grow its commercial tax base, as well as the constraints related to the existing development and the applicability of the new requirements to the previously platted area in the application.

Mr. Schmidt stated four (4) property owners were notified in accordance with town and state law. Town staff has not received any feedback. Mr. Schmidt stated the Planning and Zoning Commission recommended approval of the request with a 4-2 vote. Mr. Schmidt stated town staff recommends approval of the major warrants request and approval of the request to replat Lot 5, Block A of the Village at Fairview Addition.

The council had a discussion regarding the current temporary use designation of the subject property.

Mayor Culbertson opened the public hearing.

Stephanie Hunt, 980 Briardale Court, stated she questions the market feasibility of a hotel on the subject property. She stated concerns regarding providing water to high density development.

Leslie Knight, 841 Beechwood Lane, stated concerns regarding placement of zoning signs. She stated the hotel was approached by town staff regarding economic incentives. She requested the council deny the request due to the major warrants being requested. Mrs. Couch stated the Fairview Economic Development Corporation pursues development opportunities for the town, and the property owner and applicant have brought the application to the council.

A resident requested clarification regarding parking on the subject property. Mr. Schmidt stated the applicant has provided for on-site parking and has an agreement with MGHerring for additional parking.

Wynne Allen, 1021 Hart Road, stated there is not enough parking for the proposed hotel and there is a need for community space. She stated her opposition to the request.

Lori Lauter, 717 Elmbrook, stated she questions the marketability of the hotel due to the presence of surrounding hotels. She stated the Village at Fairview volleyball courts, community garden and dog park create a community feel and are frequented by current residents.

Steve Ogden, 541 Bluebird Lane, stated the removal of the volleyball courts is a loss of a community asset.

Cody Hooper, 491 Bluebird Lane, requested the developer conform to the code and stated concerns regarding parking and staff recommendations.

Stark Langs, 831 Beechwood Lane, requested the developer conform to the town's code. He stated the town should not pursue economic development opportunities.

The council had a discussion regarding the CPDD and the town's intent to see the commercial corridor development. The council had a discussion regarding the property owner's desire to develop the hotel on the subject property.

John McFadden, 501 Bluebird Lane, stated his support for lowering resident taxes and increasing service provision.

Katherine Ponder, 970 Foxdale, stated concerns regarding the location of the proposed hotel in relation to an adjacent hotel.

Mayor Culbertson closed the public hearing.

The council had a discussion regarding the current temporary use designation of the subject property. The council had a discussion regarding the target demographics of the hotel in comparison to surrounding hotels.

Hiren Desai, the applicant, the hotel is a hybrid product between limited service and extended service. He stated a market analysis was conducted.

The council had a discussion regarding the impact a hotel could have on the tax base. Mayor Culbertson requested information be placed in the April Town Hall Newsletter to inform residents the volleyball courts will be removed due to its temporary use designation.

A representative of The MGHerring Group stated the hotel will drive traffic to the Village at Fairview. Mrs. Couch indicated the town will work with MGHerring to determine if there is a separate location to relocate the volleyball courts and community garden due to their temporary use designation.

Councilmember Lessner made a motion to approve the request for major warrants for the subject property. Councilmember O'Reilly seconded the motion, and the motion carried with five (5) in support and one (1) in opposition. Councilmember Samuels voted in opposition of the motion.

REPLAT- LOT 5, BLOCK A OF THE VILLAGE AT FAIRVIEW ADDITION: Conduct a public hearing, consider, and take any necessary action on a request by Fairview Hospitality LLC for a Replat of Lot 5, Block A of the Village at Fairview Addition in order to create a 1.5284± acre lot for the development of a hotel use. The subject property is zoned Commercial Planned

Development District (CPDD) – Urban Village Sub-district, and is generally located at the southeast corner of Convention Drive and Murray Farm Road. **(R2015-01).**

Mr. Schmidt stated his previous presentation pertained to R2015-01. He stated town staff recommends approval of the replat.

Mayor Culbertson opened the public hearing. No comments were made.

Mayor Culbertson closed the public hearing.

Councilmember Samuels made a motion to approve the replat for the subject property. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

PRELIMINARY PLAT- THREE OAKS ADDITION: Consider, discuss and take any necessary action on a request by Hickman Consulting Engineers, Inc. for approval of a Preliminary Plat for the Three Oaks Addition, a proposed residential neighborhood comprised of eleven single-family residential lots and one common area lot on a 16.484± acre tract of land situated in the town's ETJ and that is generally located north of Country Club Road and west of Rowley Mile. **(PP2015-01).**

Mr. Schmidt gave a presentation regarding a preliminary plat for the Three Oaks Addition in order to identify potential dedications of right-of-way and the provision of landscape buffers, utility easements and drainage easements to the proposed neighborhood. He stated the subject property is located in the town's Extraterritorial Jurisdiction (ETJ) due to a recent boundary adjustment agreement between the town and the City of McKinney. He stated the town entered into a development agreement with the property owner in order to permit the property owner to pursue a limited range of uses prior to annexation and zoning by the town. Mr. Schmidt stated the preliminary plat fully conforms to the town's subdivision regulations and the development agreement regulating the development of the site.

Mr. Schmidt stated access to the proposed neighborhood will be provided from FM1378. He stated the proposed right-of-way dedication will be a variable width dedication in order to accommodate a divided entryway. Mr. Schmidt reviewed the proposed street cross sections. Mr. Schmidt stated the applicant will loop a water line onto an existing waterline that runs adjacent to the southern property boundary. He stated the applicant is proposing to provide a detention pond in order to satisfy town requirements. Mr. Schmidt stated the applicant has adopted significant protective measures in order to ensure stormwater generated by the site does not impose negative impacts on the Heard Museum property.

Mr. Schmidt stated the Planning and Zoning Commission unanimously recommended approval of the preliminary plat. Mr. Schmidt stated town staff recommends approval of the preliminary plat as submitted. Mr. Schmidt stated town staff is working to initiate annexation and zoning procedures.

There was no discussion.

Councilmember O'Reilly made a motion to approve the preliminary plat for the Three Oaks Addition. Councilmember Powell seconded the motion, and the motion was unanimously approved.

AWARD BID- FAIRVIEW PARKWAY DETENTION POND: Consider and discuss awarding bid on the Fairview Parkway Detention Pond Landscaping Improvements, and take any necessary action.

Mr. Chancellor stated the town delayed bidding due to the possibility of moving into stage 4 watering restrictions during the summer and fall of 2014. He stated the town advertised for bids and two (2) bids were received and opened on February 25, 2015. Mr. Chancellor stated the town has determined the lowest responsible bidder is Elm Grove Landscaping and Irrigation GROD Construction, LLC. He recommended the council award bid to Elm Grove Landscaping.

The council had a discussion regarding estimated start date and the percentage difference in bids.

Councilmember Hendricks made a motion to award bid on the Fairview Parkway Detention Pond Landscaping Improvements to Elm Grove Landscaping. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

CITIZEN'S INPUT:
Lori Lauter, 717 Elmbrook, stated she is disappointed in the Herring's development on the Fairview side. She stated the removal of the sand volleyball courts will harm community traffic.

Katherine Ponder, 970 Foxdale, stated there is a disconnect between residents and government communications. She requested agendas be simplified.

Steve Ogden, 541 Bluebird Lane, stated residents have the responsibility to educate themselves and stated he did not support the personal attacks made at the meeting. He stated the development of public open space brings great value and resources to the town.

STAFF REPORTS:
No reports were made.

Mayor Culbertson adjourned the meeting at 12:52 a.m.

DARION CULBERTSON, MAYOR

ATTEST:

Adam Wilbourn, Assistant to the Town Manager

TOWN OF FAIRVIEW