

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 22, 2009**

Chairman Bill Wells called the meeting to order at 7:05 p.m. Commission members present were Darion Culbertson, Tom Supan, Renee Powell, Brayton Campbell and Sylvia Hastedt. Staff members present were Planning Director, Alan Efrussy; Assistant to the Town Manager, Matt Donnell; Community Development Manager, Ray Dunlap and Town Secretary, Michelle Lewis Sirianni. The Commission member absent was Paul Hendricks.

Mr. Efrussy introduced Ray Dunlap, the town's new Community Development Manager. Mr. Donnell introduced Shane Pettit, the town's new intern.

1. Consider and take action regarding the minutes of the December 11, 2008 Planning and Zoning Commission meeting.

Commissioner Powell advised the Town Secretary of a few grammatical corrections prior to this meeting and asked that if the discussion the commissioners had regarding handicap parking should be reflected within the minutes. Chairman Wells replied that he didn't believe it was necessary to include that in the minutes.

Vice Chairman Campbell made a motion to approve the minutes of the December 11, 2008 Planning and Zoning Commission meeting. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Discussion of a potential zoning district for the Oaks of Fairview Subdivision, currently annexed but unzoned, consisting of 16 lots and 19.917 acres, generally located west of Lakewood Drive, east of Ashwood Lane, south of Willow Court, and north of Old Stacy Road.

Mr. Donnell introduced this item stating that the smallest lot size is one-acre and the largest lot is 2.24 acres in size. Mr. Donnell stated that the largest lot at 2.24 acres is the only one that is large enough to replat into two lots if zoned RE-1. Mr. Donnell stated that this lot was replated at a previous date to combine two lots, which created a larger lot and lowered the density for the subdivision; therefore, staff is supportive of the RE-1 zoning district for this subdivision. Mr. Donnell stated that emails and phone conversations were held with Stewart Teasley, HOA president. Mr. Donnell stated that the staff wanted to contact the HOA and answer any questions prior to the public hearing, but Mr. Donnell didn't know how many residents received the email that he sent to Mr. Teasley.

Commissioner Campbell asked if the 2.24 acre lot has a house located on it, and if the owners wanted to subdivide the lot in the future to create another lot, and the zoning was RE-1, would they be able to, given the location of the house? Mr. Donnell replied that he would need an aerial photo to determine if they could subdivide the lot.

The consensus of the commission members was to recommend the zoning to the RE-1 zoning district.

3. Discussion regarding square footage of accessory buildings.

Mr. Donnell introduced this item stating that the Accessory Building requirements provide for "Proposed Maximum Combined Square Footage of All Accessory Buildings" stating that the "maximum square footage refers to the footprint of the pad site of the accessory building". Mr. Donnell stated that staff is seeking feedback on whether or not the commission believes that the maximum square footage for the RE-1 district is too small and if the square footage should be inclusive of all conditioned space.

Commissioner Campbell asked if a height restriction was in the requirement. Mr. Donnell responded that the maximum height is 30 feet.

Commissioner Hastedt asked if a detached garage with a room over it would be considered an accessory building due to the height of the building or would it be considered living space. Mr. Donnell responded that square footage is currently defined as the square footage of the slab. However, Collin County Appraisal District (CCAD), taxes are based on total conditioned space.

Mr. Donnell stated that current fire code requirements state that square footage is total square footage under roof and CCAD taxes all conditioned space, but counts all under roof. Commissioner Powell asked if the fire chief had any concerns. Mr. Donnell responded that he had no specific concern.

Chairman Wells stated that the height seems to a way to amend the code and prevent two stories without a Conditional Use Permit. Commissioner Hastedt commented that the accessory building should be in proportion and doesn't want an accessory building to dwarf the main structure. Mr. Efrussy stated that on any accessory building whether a CUP is requested or not that town staff needs to know what is going into the accessory building and what it's being used for. Mr. Efrussy stated that the challenge occurs when the accessory building is turned into a commercial oriented use that would not be allowed, and therefore the applicant must be specific on what they want to do.

Commissioner Powell asked that if a resident has two separate buildings, do they combine the square footage and in her opinion, that could become a problem. Mr. Donnell replied that the current ordinance does combine the total square footage of the structures, but the Conditional Use Permit is there to serve as a tool to be used for requests where the square footage would exceed the maximum allowed.

The consensus of the commission members was to keep the current square footage, but they would like more detail regarding lowering the maximum height and that an existing detached garage would not be penalized if it was the only garage on the residence.

4. Discussion regarding the potential of eliminating the designation of swimming pools and tennis courts as accessory structures or buildings, and the addition of greenhouses as permitted accessory buildings.

Mr. Efrussy introduced this item stating that town staff would like feedback regarding the possible elimination of swimming pools and tennis courts as accessory buildings, but consideration of adding greenhouses as accessory buildings. Mr. Efrussy stated that these structures are often times considered accessory uses and we need to recognize that removing swimming pools and tennis courts from the accessory building category brings opportunity for more structures on a single property; and whether or not the commission decides to recommend eliminating them or not, the setbacks, height, size and location of the structures needs to be discussed. Mr. Donnell added that greenhouses need to have exceptions to the current ordinance regarding the building materials matching the primary structure, for obvious reasons.

Chairman Wells stated that he thought they had already eliminated swimming pools and tennis courts. Commissioner Hastedt stated that the commission had discussed these, but doesn't recall an action being taken. Commissioner Hastedt asked what the exceptions for greenhouses were. Mr. Donnell responded that the town would like to technically tighten up the ordinance. Commissioner Culbertson asked what the size considerations are recommended for the greenhouses. Mr. Efrussy responded that they can look into the size details and discuss with the town's building inspector. Mr. Donnell commented that staff believes the current size limits for accessory buildings should apply, and a Conditional Use Permit could also be used for a request for a greenhouse. Commissioner Campbell asked if the greenhouse would count towards an accessory use and square footage. Mr. Donnell responded that if they are considered accessory uses, then it would count toward the square footage.

Commissioner Powell stated that swimming pools can't be seen, but tennis courts are visible because of the fencing at the ends and sometimes all the way around the court. Commissioner Hastedt agreed with Commissioner Powell. Commissioner Hastedt stated that tennis court fencing becomes a visual barrier. Mr. Efrussy responded that the commission can set standards for accessory uses and staff can also talk to the building inspector regarding building code requirements. Mr. Donnell added that the commission can remove tennis courts from total square footage of an accessory building and build new through a Conditional Use Permit or can remove tennis courts as an accessory building.

Commissioner Culbertson asked if a Conditional Use Permit could be used for a pool. Chairman Wells responded that swimming pools already have certain requirements that have to be met.

Commissioner Hastedt stated that if a resident has a detached garage and it is their primary garage, she believes that they should not be penalized and limit to what does count toward their square footage. Commissioner Hastedt suggested that if the usage is strictly as a garage, then a resident could have up to a three car garage and anything over that would count toward the maximum square footage. Commissioner Campbell suggested that the town staff define what the standard size for a three car garage would be. Commissioner Culbertson agreed that a three car garage should be the standard size and be defined.

The consensus of the commission members was to remove tennis courts as an accessory building and any new construction would require a Conditional Use Permit; to remove swimming pools as an accessory building or structure and to not count them toward the total maximum square footage; to add greenhouses as an accessory use and its square footage would count toward the total maximum allowed square footage, but must be approved through a Conditional Use Permit; and a three car garage would be the recommended standard size and a detached garage would be included as long as it was the primary garage and anything additional would count toward the maximum square footage.

5. Discussion regarding establishing setbacks for swimming pools within residential areas in the Commercial Planned Development District (CPDD).

Mr. Donnell introduced this item stating that swimming pools within the Commercial Planned Development District are defined as “a swimming pool constructed for the exclusive use of the residents of a residential use” and residential swimming pools are classified as an accessory use, which are not permitted in certain districts within the CPDD. Mr. Donnell stated that setbacks for swimming pools for residential and other buildings in the CPDD are required and vary between the various CPDD districts; therefore, proposed swimming pool setbacks should be considered in light of the existing residential setbacks for additional structures with the CPDD. Mr. Donnell stated that town staff believes that the setbacks for said pools shall vary by each residential subdivision within the following subdivisions that are within the CPDD: The Village of Fairview, Cypress Crossing and Sloan Creek Estates because of the varying lot dimensions within each subdivision. Mr. Donnell stated that within The Village of Fairview pools can be constructed as long as they do not encroach and may take the decking to the property line, but would like to firm up these guidelines. Mr. Donnell stated that Cypress Crossing is partly zoned within the CPDD and partly zoned Planned Center (PC). Mr. Donnell stated that the lot layout for the Cypress Crossing side is 15’ front setback and 20’ rear setback with 5’ and 10’ on side with road and the lot setback for the PC district is 20’ front and rear setback with 5’ and 10’ on the side facing the road. Mr. Donnell stated that Sloan Creek Estates follows the RE-1 zoning district setbacks. Mr. Donnell stated town staff is seeking feedback on whether or not the commission would also like to follow these guidelines or firm up these restrictions any further.

Leland Payne, 398 Park Village Dr., stated that pools can alter drainage and suggests that the town include language that refers to not altering characteristics or drainage flows between houses.

The consensus of the commission was to bring these items back as a public hearing with the information detailed by Mr. Donnell.

6. Adjourn.

Chairman Wells adjourned the meeting at 8:38 p.m.

Respectfully submitted,

Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary

ATTEST:

Billy Wells

Billy Wells, Chairman
Planning and Zoning Commission

