

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, DECEMBER 10, 2009**

Chairman Brayton Campbell called the meeting to order at 7:01 p.m. Commission members present were Ricardo Doi, Tom Supan, Renee Powell, Paul Hendricks, Darion Culbertson and Brad Northcutt. Staff members present were Planning Director Alan Efrussy; Assistant to the Town Manager, Matt Donnell; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor P.E. and Town Secretary, Michelle Lewis Sirianni

1. Welcome to new commission member Darion Culbertson.

Chairman Campbell welcomed Darion Culbertson back to the Planning and Zoning Commission.

2. Consider and take action regarding the minutes of the September 24, 2009 Planning and Zoning Commission meeting.

Commissioner Powell made a motion to approve the minutes of the September 24, 2009. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

3. Discussion regarding a proposed Planned Center (PC) Zoning District for property that is un-annexed and unzoned, known as the Advanced Tree & Shrub Care, Inc. This property is at 590 Meandering Way and comprises of 4.5± acres and is generally located east of Meandering Way, south of Sloan Creek, and northwest of N. Creekwood Dr. Subject property shall be annexed prior to zoning.

Mr. Efrussy introduced this item stating that the Fairview Comprehensive Plan indicates that this subject property is recommended for Residential Estate Country. Mr. Efrussy stated that the zoning that would be implement the Comprehensive Plan would be the Two-Acre Ranch Estate Zone (RE-2); however, town staff believes that the commission should consider the Planned Center (PC) Zone, which would be the zone that would be best suited for Mr. Zampino's use. Mr. Efrussy stated that town staff has met with Mr. Zampino and believes that his existing use should remain and compliments the character and development of Fairview.

Mr. Zampino, who is the owner of this subject property, stated that he is the first board certified master arborist in the State of Texas and specializes in saving trees and shrubs, utilizing the latest technologies. Mr. Zampino stated that his company does not plant or transplant trees.

Commissioner Culbertson asked about the wind turbine and if he plans to install it. Mr. Zampino replied that the cost benefit at this time is not there and he is investigating solar panels instead. Commissioner Doi asked what type of equipment he has and/or uses. Mr. Zampino responded that he has chipper trucks, but at this time nothing that is not visibly appealing or would affect traffic and the roads. Commissioner Campbell asked if Mr. Zampino uses Highway 5 or Stacy Road as his means of coming and going. Mr. Zampino responded that they are actually equal distance from each other, but uses Highway 5 more. Mr. Zampino added that he's had no complaints from his neighbors in regard to his business.

Commissioner Hendricks asked that if the wind turbine is ever installed can it be seen from the road. Mr. Zampino responded that it would not be visible from the road and would be placed behind the building, but is choosing solar panels at this time versus the wind turbine. Commissioner Hendricks asked what the procedure is with combining business with residential since he will have a future guest house along with his current residence. Mr. Efrussy responded that a Planned Center (PC) is designed to accommodate a variety of land uses, which would allow the property owner to place dwelling units on the property without breaking the law. Mr. Efrussy also stated that staff has done a full review regarding the zoning for this property, since the purpose of tonight's meeting is to determine if the Planning and Zoning Commission would consider a PC Zone for this property.

Commissioner Culbertson asked how the business would be affected if the property was zoned to the RE-2 zoning district and asked if zoned to the Planned Center (PC) Zone, can the property owner change the zoning at a later date. Mr. Efrussy responded that if the property is zoned PC, it would require a Site Plan, and if the business is desired to expand, the property owner can make a request and go before commission and council for an amended Site Plan approval. If the property is zoned RE-2, Mr. Zampino would have legal non-conforming uses, which could limit his business expansion. Chairman Campbell asked if the property is sold, would it be sold as a Planned Center district. Mr. Efrussy responded that the zoning remains in place unless a request to zone it differently is done.

The consensus of the commission members was to recommend zoning to the Planned Center (PC) Zone.

4. Appointment of a Commission member to serve and represent the Architectural Review Subcommittee.

Mr. Donnell introduced this item stating that this subcommittee is made up of four members that currently consists of Bill Wells, Mayor Israeloff, and Councilwoman Mary Price. Mr. Donnell stated that the subcommittee reviews certain architectural elements without the need for numerous variance requests with public hearings, etc; therefore, the subcommittee provides a more efficient and effective way to approve elements of the lifestyle center that would normally take longer. Mr. Donnell stated that even though Mr. Wells is staying on the committee as a resident representative, there is a vacancy for a Planning and Zoning Commission member.

Chairman Campbell stated that he had the opportunity to recently sit in on a meeting, but wanted to give other commissioners the chance to sit on the subcommittee if they were interested. Commissioner Doi expressed an interest and Commissioner Culbertson nominated Commissioner Powell. Commissioner Doi retracted his comment and with a unanimous vote, Commissioner Powell was appointed to the Architectural Review Subcommittee.

5. **Discussion regarding potential development considerations, including land use and zoning, for an area known as the Apple property, comprising 37± acres that are annexed, of which 23± acres are zoned Commercial Planned Development District (CPDD), Zone M and 14± acres are unzoned. This property is located south of Country Club Road (FM 1378), west of the DART tracks, and east of State Highway 5.**

Mr. Efrussy introduced this item stating that this subject property has 23± acres that are zoned within the Commercial Planned Development District (CPDD), Zone M and the remaining 14± acres are unzoned. Mr. Efrussy stated that the area envisions of this property is currently characterized by medically related and oriented uses. Mr. Efrussy stated that in addition to the continuation opportunities for a Medically-Oriented sub-planning area, Zone M provides other land uses that will add to the overall functioning of the CPDD and will be compatible with the existing developments. Mr. Efrussy stated that it is town staff's opinion that creating one zoning district for this entire property is more efficient than several zones.

Mr. McKissick, who is the real estate broker representing the Apple estate, stated that he wishes to have all one zoning district on this property. Mr. McKissick stated that it simplifies marketing the property as a broker when dealing with the property and believes that it is the best zoning for the owner as well as the town.

Commissioner Hendricks asked if a market analysis was done and if Zone M restricts any options that the owner of the property would possibly like to have. Mr. McKissick responded that there is no market today but will be in the future and stated that as the broker, that if a buyer presents a use for the property that is not permitted in Zone M, then they should present to the commission their idea and proceed from there. Mr. McKissick stated that they inform the buyer of the uses and town requirements so that the buyer is aware of the town's guidelines.

Commissioner Culbertson asked what the thinking was behind the Planned Center (PC) Zone four years ago. Commissioner Powell stated that she recalls that the town council and the commissioners didn't want to extend the CPDD district any farther east. Commissioner Doi added that he believes it would be more beneficial to zone all the property to Zone M.

The consensus of the commission members was to proceed by zoning this property to the Commercial Planned Development District (CPDD), Zone M.

6. Discussion regarding the zoning of properties currently located in the Town of Fairview's Extra-Territorial Jurisdiction (ETJ).

Mr. Donnell introduced this item stating that it's been common practice to recommend zoning of a property to the commission prior to the annexation by council, so that as much as feasible, the zoning can occur as soon as possible after actual annexation. Mr. Donnell stated that there are properties located within the ETJ that are under one-hundred residences, and that Texas law and local law permits the annexation of said properties to be initiated by the Town of Fairview. Mr. Donnell stated that these properties are classified as Residential Estate Country, which translates into the Two-Acre Ranch Estate Zone (RE-2). Mr. Donnell stated that some of this property could also be located within the Flood Hazard (FH) Zone. Mr. Donnell stated that there are roughly seven to eight parcels of land, but only three to four residences. Mr. Donnell stated that if the commission wishes, he could compile more data about each parcel of land and bring back to the commissioners at the next meeting.

Chairman Campbell stated that he would appreciate having more information regarding each parcel before discussing and/or making a recommendation.

The commission members agreed and asked staff to bring back more information to the next meeting.

7. Discussion regarding a potential work session with the town staff and the Planning and Zoning Commission regarding topics relating to planning, zoning, and development.

Mr. Efrussy introduced this item stating that town staff would like to see if commission members are interested in having informal work sessions regarding the physical planning, development and growth management process in Fairview. Mr. Efrussy stated a few topics were outlined in their memo, but town staff can create and/or outline other programs too.

Commissioner Hendricks stated that he thinks it's always good to get a refresher. Commissioner Culbertson suggested a few topics for discussion that includes the fees and process of a developer, comparative zoning with surrounding cities and how the town works with TXDOT regarding roads, bridges and streets. Commissioner Doi suggested how re-zoning impacts the density within the town. Commissioner Northcutt suggested how a mass transit system will impact the zoning elements, police department, etc.

Chairman Campbell suggested a discussion regarding how the Planning and Zoning Commission addressed development activities prior to the presence of the current staff members.

Mr. Efrussy responded by stating that he will compile this list and develop an outline for these topics for work sessions and/or discussions with the commission members.

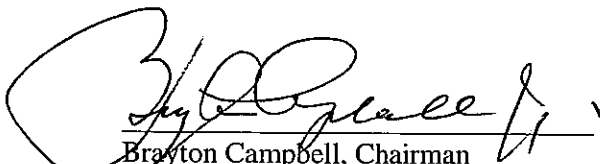
8. Adjourn.

Chairman Campbell adjourned the meeting at 8:26 p.m

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary

ATTEST:


Brayton Campbell, Chairman
Planning and Zoning Commission

