

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 14, 2010**

Chairman Brayton Campbell called the meeting to order at 7:03 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; Management Intern, Adam Wilbourn and Town Secretary, Michelle Lewis Sirianni

- 1. Consider and take action regarding the minutes of the December 10, 2009 Planning and Zoning Commission meeting.**

Commissioner Powell stated that she called in grammatical corrections and Chairman Campbell made grammatical correction on page four.

Commissioner Powell made a motion to approve the minutes of the December 10, 2009. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 2. Conduct a workshop with the town staff and the Planning and Zoning Commission regarding topics relating to planning, zoning, development, and growth management.**

Chairman Campbell stated that they will open the discussion to the commission members by asking if there are any questions.

Commissioner Northcutt asked in regard to the zoning districts, did the town poll or consider landmark and/or festival zoning. Mr. Efrussy responded that approximately seven years ago many areas of the town were unannexed and unzoned, but there was still substantial zoning in place. Mr. Efrussy stated that in 2005 the Comprehensive Plan was adopted, which upon its completion did create a few non-conforming uses, but did not create any serious problems and further, the Comprehensive Plan protected the town further. Mr. Efrussy stated that in regard to overlay districts, there are the transit oriented and environmental district overlays described in the Comprehensive Plan. Mr. Efrussy stated many cities/towns will create a flood plain and/or historic district overlay, but Fairview found it better suited to implement the Flood Hazard (FH) Zone to provide better protection. Mr. Efrussy stated that the town has historic sites, but not historic overlay districts. Mr. Donnell added that the town has landmarked three historic sites by land designation, which preserves these areas. Mr. Donnell stated the town uses Temporary Use Permits for festivals, street fairs, etc.

Chairman Campbell stated that Fairview's RE-1 zoning versus the 2,500 square foot minimum lot size zoning in other municipalities seems unique compared to most cities/towns. Mr. Efrussy responded that Fairview is unique especially if one examines

everything essentially east of State Hwy 5, wherein the town has created the low-density RE-1, 2, and 3 zoning districts, in comparison to the Commercial Planned Development District (CPDD) that encompasses smaller single family lots and multi-family units, west of S. Hwy 5. Mr. Donnell commented that Heath and Sunnyvale are considered sister cities similar to Fairview since they also have low density residential areas. Mr. Donnell stated Fairview is also unique by choice.

Commissioner Campbell asked if a Conditional Use Permit (CUP) and Special Use Permit (SUP) is the same thing. Mr. Efrussy stated that the Commercial Planned Development District (CPDD) uses the SUP and the remaining areas of town use the CUP. Mr. Efrussy stated that they are essentially the same, and they both require a site plan.

Commissioner Doi asked if the Comprehensive Plan is reviewed annually, who gets involved and is it a formal process. Mr. Efrussy responded that standard planning procedure is to review the plan every one to five years and it may be reviewed earlier than one year based on social, economic, and/or physical considerations. Mr. Efrussy stated that the plan should be updated to reflect changes in zoning to keep the plan compatible with changed zoning districts. Mr. Efrussy stated that it is a formal process that typically has work sessions, followed with a public hearing process before the Planning and Zoning Commission and Town Council, and an ordinance to formally adopt any changes as approved by council. Commissioner Doi asked what would happen if a developer comes in and is approved with a use not reflected in the Comprehensive Plan. Mr. Efrussy stated that the Comprehensive Plan will be updated at a later date when it is formally changed. Mr. Efrussy stated the Comprehensive Plan should provide the basis for all zoning and zoning decisions.

Chairman Campbell asked in regards to TXDOT, that it seems like their process is political and it takes a long period of time before decisions are made. Mr. Efrussy responded that James Chancellor, the town engineer prepared a response to the December 10th TXDOT questions and referenced other roadways since Mr. Chancellor is not in attendance tonight, staff will ask that he address Mr. Campbell's TXDOT questions from tonight. Mr. Efrussy stated that TXDOT has fixed policies which are oftentimes hard to change.

Chairman Campbell asked how enforceable the town ordinances are. Mr. Efrussy responded that the town's Code Enforcement Officer, Robert White oversees many of these areas. Mr. Efrussy stated that Mr. White will call citizens and send out letters to inform residents that they are in violation, but can be followed with a citation and/or fine and sometimes legal action if necessary.

Commissioner Doi asked what is the process in developing a residential subdivision. Mr. Efrussy responded that first there is a meeting with staff and the potential applicant and staff will check to see what the zoning is within that area and the applicant/developer has to agree with the zoning. If the applicant's subdivision does not agree with the zoning, the applicant has the opportunity to request a zoning district change, and the staff may or may not agree with said request. Mr. Efrussy stated that at the meeting, it can be established as a pre-application meeting where town staff representatives from various departments are present to discuss the applicant's project and then the applicant may submit a preliminary plat, which is then evaluated to address pre-application comments, such as park dedication, easements, rights-of-way, lot sizes etc. Mr. Efrussy stated that

the developer/applicant has thirty days from the next Planning and Zoning meeting, to submit a plat plus fees, for staff review. Mr. Efrussy stated that if the project meets the subdivision regulation requirements, then Texas law requires that the subdivision is approved after the preliminary plat is approved, then a final plat is submitted which has to be in substantial conformance with the preliminary plat; if it is not, the applicant would have to submit a revised preliminary plat.

Commissioner Hendricks asked what is the expiration of a final plat. Mr. Efrussy responded that there is currently no expiration on a final plat, but a preliminary plat expires 180 days from approval, with opportunity to request an extension.

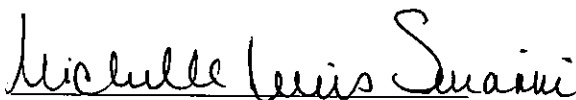
Commissioner Northcutt asked how the town works with the school districts when new neighborhoods are developed and the school-age children ratio changes. Mr. Efrussy responded that the school districts monitor the zoning districts and development activity. We typically do not include them in pre-application meetings, except when they actually are developing a school, ex. the two Lovejoy schools approved in 2008.

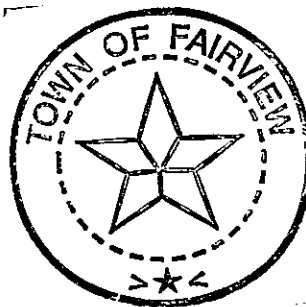
Chairman Campbell asked what the status of the property bought near the airport is. Mr. Dunlap responded that the town currently has 74 ± acres off of FM 317, which is the soccer complex, but is in an unincorporated part of Collin County. Mr. Dunlap stated that there are also two houses on land along FM 546 that are leased out and five acres near the end of a runway near the McKinney airport, but the town is selling part of the five acres to the City of McKinney. Mr. Dunlap stated that the town has several pieces, of which some were sold and where monies were put in reserves, but most properties are leased out.

3. Adjourn.

Chairman Campbell adjourned the meeting at 8:03 p.m

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary



ATTEST:


Brayton Campbell, Chairman
Planning and Zoning Commission