

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 28, 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; and Town Secretary, Michelle Lewis Sirianni.

- 1. Consider and take action regarding the minutes of the January 14, 2010 Planning and Zoning Commission meeting.**

Commissioner Powell stated that she called in grammatical corrections and Commissioner Doi made grammatical corrections on page one.

Commissioner Powell made a motion to approve the minutes of the January 14, 2010 meeting. Commissioner Culbertson seconded that motion and the motion was unanimously approved.

- 2. Conduct a public hearing and take action regarding 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. Said public hearing shall be conducted regarding zoning the unzoned 14± acres to the Commercial Planned Development District (CPDD), Zone M. This property is located south of Country Club Road (FM 1378), west of the DART tracks, and east of State Highway 5.**

**ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 4, TRACT 25-9, ACRES
14.7500**

**ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 4, TRACT 196, ACRES
10.0000**

**ABSTRACT A0791 SLOAN, SAMUEL, BLOCK 4, TRACT 25-1, ACRES
1.0000**

Mr. Efrussy introduced this item stating that there are a total of 37± acres in this subject property and 23± acres are zoned Commercial Planned Development District (CPDD), Zone M, and 14± acres are unzoned. Mr. Efrussy stated that at a work session with the commission in 2006, the Planned Center (PC) was suggested for the current unzoned portion. Mr. Efrussy stated since that time,

other factors have been considered regarding the zoning of the remaining property. Mr. Efrussy stated that it is town staff's belief that zoning the remaining portion to Zone M would not only provide for a unified zoning district, but would minimize zoning administration and land use coordination concerns between the Zone M and PC districts. Mr. Efrussy stated that at the last Planning and Zoning meeting the consensus of the commission members was to initiate a public hearing recommending zoning the 14± acres to the CPDD, Zone M.

Mr. Charles McKissick, the real estate broker representing the Apple estate, stated that when they started the annexation process for this property in 2006, they had talked to the commission about making the zoning the same as the zoning on the west side that is, CPDD, Zone M. Mr. McKissick stated that he believes that it is in the best interest for the property to have it zoned the same so that it is easily administered for a potential purchaser.

Chairman Campbell opened the public hearing. Robert Dyke, 579 Country Club stated that his concern is that if this property is zoned to the commercial district, how this would affect his property and being a resident for eleven years, he asked if it made sense to zone the property to Zone M versus an Agricultural zone. Mr. Dyke stated that he went through a similar process with the City of McKinney and the buffer never happened that was supposed to be placed near property.

Charles Douglas, 801 Country Club stated that he lives directly across from the subject property and asked if it was necessary to extend the commercial property or is there enough property currently zoned that would be sufficient enough for the commercial district.

Chairman Campbell asked the residents where exactly their properties were located and if they were in Fairview or McKinney. Mr. Dyke responded that he has 22 acres of which 1.9 is in Fairview and Mr. Douglas responded that he has 30 acres that is located next to the McKinney Country Club.

Chairman Campbell closed the public hearing and opened discussion to commission members.

Commissioner Culbertson asked if the 2006 Planned Center thinking on the part of the commission was due to the surrounding homeowners. Mr. Efrussy responded that in 2006 Zone M was put into place, but it was not residentially oriented. Mr. Efrussy stated that the Planning and Zoning commission members at that time didn't want to necessarily extend Zone M, but now the town staff believes that extending Zone M for all the Apple property will provide better land use zoning administration and design continuity.

Mr. McKissick commented that the railroad that runs through the subject property provides a natural boundary and with the setback requirements, it provides protection and more control. Mr. McKissick stated it is not their intent to detract

from the property owners across the street. Mr. Efrussy added that residential land uses next to a railroad is not a compatible use, and the recent general consensus of the commission was to consolidate the districts.

Commissioner Hendricks asked what was the content of Zone M and if it had limited residential uses. Mr. Efrussy discussed various uses listed in Zone M and the permitted uses versus a Special Use Permit (SUP). Mr. Efrussy also stated that the only permitted Residential Uses in Zone M are Hotel and Motel, and Senior Housing. Mr. Efrussy added that if an applicant comes forward, it would be presented to the Planning and Zoning Commission for recommendation prior to being submitted to Town Council.

Commissioner Hendricks made a motion to approve zoning to the Commercial Planned Development District (CPDD), Zone M for the unzoned 14± acres 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. Commissioner Doi seconded that motion and the motion was unanimously approved.

3. Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 82 Stone Hinge Drive, Fairview, TX 75069.

Mr. Donnell introduced this item stating that the proposed building will match the building materials of the primary structure. Mr. Donnell stated that the applicant has received letters of support from neighboring property owners as well as from the HOA. Mr. Donnell stated that town staff finds the impact of the proposed addition to be minimal and recommends approval condition upon saturation landscaping comprised of evergreen materials located along the west building façade.

Commissioner Powell asked if the accessory building was conforming to the setback requirements. Mr. Donnell responded yes they are meeting the 30 ft setback.

Commissioner Doi asked what the percentage requirements are of the pervious surface. Mr. Donnell responded that he doesn't know the percentage requirement without checking, but the town engineer has reviewed and approved their plan.

Commissioner Northcutt asked about the drainage of the property. Mr. Leshner, applicant stated that currently the water drains down to the front of his property and adding the building will require some fill to level foundation with the house, but will not affect the drainage.

Chairman Campbell opened the public hearing to the public. No comments were made.

Chairman Campbell closed the public hearing and opened discussion to commission members. No additional comments were made.

Commissioner Culbertson made a motion to approve a Conditional Use Permit for an accessory building located at 82 Stone Hinge Drive, Fairview, TX 75069 condition upon saturation landscaping comprised of evergreen materials located along the west building façade. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

4. Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 711 Maple Creek Drive, Fairview, TX 75069.

Mr. Donnell introduced this item stating that the applicant is adding an addition to an existing detached garage that is not visible from the road. Mr. Donnell stated that staff finds the impact of the proposed addition to be of minimal impact to the town and neighboring properties and did receive letters of support from the HOA. Mr. Donnell stated that staff recommends approval condition upon planting of evergreen materials to the north of the building, one every 10' ranging in height from 6-8 feet, giving a total of 8 or more evergreen trees.

Chairman Campbell opened the public hearing to the public. No comments were made.

Chairman Campbell closed the public hearing and opened discussion to the commission members.

Commissioner Powell asked if they would be using same materials as primary residence and Commissioner Northcutt asked if they were using the same roof shingles. Mr. Cooper, owner and applicant responded that he would be using the same building materials including the roof shingles.

Commissioner Doi asked if the drainage would be affected with the planting of the trees and if there was enough space to plant the trees. Mr. Cooper responded that there is a 15 setback and allow for sufficient space to plant additional trees and would not affect the drainage on the property.

Commissioner Hendricks made a motion to approve a Conditional Use Permit for an accessory building located at 711 Maple Creek Drive, Fairview, TX 75069 condition upon planting of evergreen materials to the north of the building, one every 10' ranging in height from 6-8 feet, giving a total of 8 or more evergreen trees. Commissioner Powell seconded that motion and the motion was unanimously approved.

5. Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 1081 Elm Creek Drive, Fairview, TX 75069.

Mr. Donnell introduced this item stating that the applicant is requesting to construct a proposed pool house, as well as detached garage. Mr. Donnell stated that the subject property being 3.7 acres and is more than three times larger than the minimum zoning required, and the proportion of the building sizes in relation to the existing home, staff finds these uses to be of minimal impact, therefore, recommending approval.

Chairman Campbell opened the public hearing to the public. No comments were made.

Chairman Campbell closed the public hearing and opened discussion to commission members.

Commissioner Northcutt asked if there would be any drainage issues. Sally Weeks, owner and applicant responded that there wouldn't be any drainage issues. Mr. Donnell added that the town engineer looked at these plans too and did not have any concerns.

Commissioner Powell made a motion to approve a Conditional Use Permit for an accessory building located at 1081 Elm Creek Drive, Fairview, TX 75069. Commissioner Culbertson seconded that motion and the motion was unanimously approved.

6. Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 1091 Elm Creek Drive, Fairview, TX 75069.

Mr. Donnell introduced this item stating that this subject property is 3.83 acres in size and the proposed building will have a slight encroachment, but is minimal when looking at adjacent properties. Mr. Donnell stated that the HOA has approved the plan and has no

complaints from their neighbor and have received no negative feedback; therefore, staff recommends approval condition upon planting of evergreen materials to the west of the building.

Chairman Campbell opened the public hearing to the public. Jennifer Williams, owner and applicant of the property stated that they are tying into an existing gravel road, which is a private road. Mrs. Williams stated that the drainage easement would not be affected upon the planting of additional materials.

Chairman Campbell closed the public hearing and opened discussion to commission members.

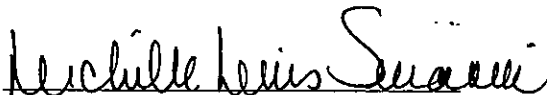
Commissioner Doi asked if any of the building would encroach in the flood line. Mr. Donnell responded that their property is not close to the 500 year flood line.

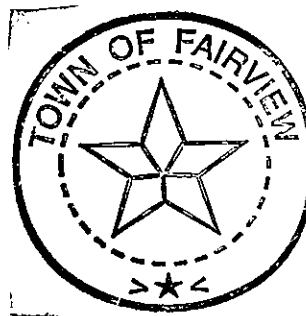
Commissioner Culbertson made a motion to approve a Conditional Use Permit for an accessory building located at 1091 Elm Creek Drive, Fairview, TX 75069 condition upon planting of evergreen materials to the west of the building. Commissioner Supan seconded that motion and the motion was unanimously approved.

7. Adjourn.

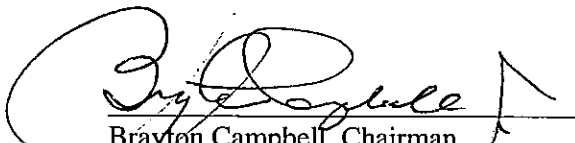
Chairman Campbell adjourned the meeting at 8:22 p.m

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary



ATTEST:


Brayton Campbell, Chairman
Planning and Zoning Commission