MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JUNE 10, 2010

Chairman Campbell called the meeting to order at 7:02 p.m. Commission members present were Tom Supan, Ricardo Doi, Paul Hendricks, Renee Powell, 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; Budget and Management Analyst, Adam Wilbourn; and Town Secretary, Michelle Lewis Sirianni.

1. **Election of Vice Chairperson for the Planning and Zoning Commission.**

   Commissioner's elected Paul Hendricks as Vice Chairperson.

2. **Consider and take action regarding the minutes of the April 8, 2010 Planning and Zoning Commission meeting.**

   Commissioner Doi and Commissioner Powell called in grammatical corrections prior to the meeting.

   Commissioner Doi made a motion to approve the minutes of the April 8, 2010 Planning and Zoning Commission meeting. The motion was seconded by Commissioner Culbertson and the motion was unanimously approved.

3. **Consider and take action regarding a Final Plat for a portion of Phase II, of the Villas in the Park subdivision, consisting of five townhome lots.**

   Mr. Donnell introduced this item stating that this portion of Phase II simply shows five lots to be platted. Mr. Donnell stated that the purpose is to allow us to have platted lots so that the townhomes can be built. Mr. Donnell added that there was one scrivener's error which has been caught and corrected.

   Commissioner Northcutt asked if there were five lots being added. Mr. Donnell responded that there are lots being added near where the construction trailer is currently placed.

   Commissioner Powell asked if it was one long townhome. Mr. Donnell responded that it is just one building.

   Commissioner Hendricks asked if there was a plan to eventually do something with the land. Mr. Donnell responded that there will be a full phase II as well as 3± acres of land dedicated for park land that is currently being planned.

Commissioner Culbertson made a motion to approve the Final Plat for a portion of Phase II, of the Villas in the Park subdivision, consisting of five townhome lots. The motion was seconded by Commissioner Supan and the motion was unanimously approved.

4. Conduct a public hearing and take action regarding a Special Use Permit (SUP) for a temporary use for a proposed beach volleyball facility and a community garden within the Village At Fairview, located within the Commercial Planned Development District (CPDD), Zone K.

Mr. Efrussy introduced this item stating that the MG Herring Group is requesting a Special Use Permit for a temporary use for a proposed beach volleyball facility and a community garden. Mr. Efrussy stated that the granting of a Special Use Permit is historically contingent upon a site specific analysis of the subject proposed uses. Mr. Efrussy stated that it is town's opinion that the proposed items at this location doesn't deem suitable, therefore, town staff recommends denial without prejudice. Mr. Efrussy added that the Special Use Permit that the MG Herring Group is requesting is a temporary use for five years. Mr. Efrussy stated that to optimize chance for approval, adding an option to extend the time frame on the permit.

Gar Herring, President of MG Herring, stated that their initial inception was to maximize sales at the shopping center and they wouldn't recommend anything that would jeopardize sales or tenants. Mr. Herring stated that this type of mixed use development concept is to bring people in for dining, entertainment and to essentially bring together as part of a cohesive design. Mr. Herring stated that they wanted to do something unique and thought the beach volleyball and community garden would be a nice fit. Mr. Herring stated that the temporary parking is no longer needed; therefore, would allow for these activities and believes that due to the success in other locations such as Colleyville and Laguna Beach, California that they will have a waiting list and be very successful.

Matt Gallo, Project Manager, MG Herring Group, stated that the community garden will have 76 4x20 plots, 7 community 20x20 plots, 17 fruit orchard trees, a 12x12 garden shed that will include a padlock, and compost bins. Mr. Gallo commented that there has been no issue with the smell of the compost bins if done correctly and essentially the community garden will run itself with the individuals who participate.

Mr. Gallo stated that the beach volleyball consists of four regulation size courts, washers/horseshoes, play structure, sand box area, shaded structures, foot showers, and boardwalk area that will be enclosed by a picket fence and grass field.

Commissioner Culbertson asked what the maintenance requirements are for the community garden and who maintains the landscape area surrounding it. Mr. Herring responded that the garden is self-governing and they usually form a team or board and if individuals are not maintaining their areas, they notify them to give them time to clean up or if not, then they are asked to leave. Mr. Herring stated the remaining landscaping is maintained by MG Herring.

Norine Bowen, General Manger, The Village At Fairview, stated that in regards to dealing with Code and Behavior they post their Code of Conduct at the entrance of the area and also have 24/7 security. Ms. Bowen stated that if a violation occurs the person(s) are given a non-threatening warning and a copy of the code of conduct. Ms. Bowen stated that the code does address noise; no alcohol permitted, and appropriate clothing. Ms. Bowen added that they do have cameras on property that assists with the security and are prepared to handle the increased traffic with events and the situations that may occur.

Commissioner Culbertson asked if there would be a circuit and/or league with volleyball. Mr. Herring stated that they would have to be flexible and post if there was a tournament etc. Commissioner Supan asked if their code of conduct applied to the inside and/or outside of an establishment. Ms. Bowen responded that it applies to the outside of an establishment and/or the common areas.

Chairman Campbell asked if all the stores were aware of this proposal and interested in one or both of the activities. Ms. Bowen responded that the stores have expressed interest and that they do hold meetings to discuss marketing. Commissioner Hendricks stated that there were three positive letters, but have there been any negative comments. Ms. Bowen replied that they have not received any negative feedback.

Mr. Gallo stated that the amenities will include an information board, shed within the community garden, play structure at the entry, shade structures, and a retail unit that will have water bottles, sun tan lotion, towels etc., for sale.

Mr. Gallo stated the parking at build out with the Concept Plan estimated 8800 spaces, which is a 4:4 ration and the calculation does not take into account the shared parking. Mr. Gallo stated that currently there are 5,000 ± spaces, which is a 4:5 ration and there is still ample parking. Mr. Gallo stated for example, on the busiest day imaginable and the spaces are full at full capacity with estimated 400± people, there would still be ample parking. People may have to park further away, but there are adequate spaces available.

Mr. Gallo stated in regards to the traffic, the roads are designed to handle heavy traffic and feel that this will not be an issue.

Mr. Gallo stated in regards to the lighting, they are requesting a variance due to trying to light the courts, which they do bleed a little and also due to the height of the poles. Commissioner Hendricks asked if it was a possibility for the lights to be 'green' or have they considered turning off at street. Carolyn Sommers Erickson, 1346 Ranch House, asked if the lights would be focused down on the courts. Mr. Gallo responded that they feel it would be a disservice to turn off at the street, that it becomes too dark and they already have the standard cut off poles that they would like to use and they are trying to keep the lights directly on the courts, but they are not "full cut off" fixtures, and therefore not Dark Sky compliant.

Mrs. Sommers Erickson asked staff what part of the zoning code this proposed development did not meet. Mr. Donnell stated that this proposed development does not meet any portion of Exhibit B "Architecture" and "Streetscape" of the Commercial Planned Development District ordinance, and Exhibit B contains the most requirements of all the exhibits within the CPDD zoning ordinance.

Commissioner Culbertson asked what the operation hours would be. Mr. Herring responded that they would be 10 am to 9 pm Monday thru Saturday and 11 am to 7 pm on Sunday. Commissioner Northcutt asked what their choice was between having 4 volleyball courts versus 3 courts. Mr. Gallo stated the idea was to have them facing north-south. Commissioner Supan commented that if the lights shut off at 9:30 at night, then that doesn't leave enough time for play or is the idea to be similar to the parks, being open sun up to sun down. Commissioner Culbertson asked if there were enough bathrooms to accommodate the activities. Mr. Gallo stated that the bathrooms are near the fountain. Chairman Campbell asked what the distance was from the end of the courts to the fence and Commissioner Hendricks asked how big the courts are. Mr. Kevin Cummings stated that the end of the court to the fence is 15-16' and courts are regulation size which is 29x59 or 30x60.

Chairman Campbell asked if the horseshoes were relevant to the volleyball courts. Commission Powell asked if the horseshoes would be rented or do people bring their own. Commissioner Northcutt asked if the aesthetics of the shed was a concern and that the materials proposed do not have a long lifespan.

Mr. Gallo stated that they are requesting a variance on a few items which include, not requiring the shed to be 90% masonry, sidewalk not completely surrounding, permit black and vinyl coated chain link fence for dog park, lighting elements and landscaping; species of trees are unknown, but remaining landscaping would remain consistent with surrounding area.

Chairman Campbell asked what their biggest concern is. Mr. Herring responded that they wouldn't generate enough activity to support the finances. Commissioner Northcutt asked if it is successful, how they plan to relocate it in five years. Mr. Herring responded as cheap and easily as possible. Chairman Campbell asked if in three years they have the demand to build the office buildings, will they? Mr. Herring responded that the proposed activities are temporary uses and that they will build the office buildings if the demand is there.

Commissioner Hendricks asked if the 9 acres park within the development offers the same to the beach volleyball and community garden and if the park is lighted. Mr. Herring responded that it is complimentary, but not the same and there are no lights and will be open dawn till dusk.

Chairman Campbell asked if the shop owners had a preference over the activities. Ms. Bowmen responded that they like the beach volleyball. Ms. Bowmen stated that since there is no vending on site, most of the surrounding restaurants offer quick service and they are hoping that it brings in more customers. Ms. Bowmen stated that the community garden will be hit or miss, but they are partnering with Allen Community Outreach and their food bank. Commissioner Hendricks asked if the proposed is not approved, then what are they planning to do. Mr. Herring responded that they would do nothing and will just sit there.

In coming to a consensus, each commission member stated the following:

Commissioner Supan stated that the proposed could easily be a defining part of the center and not something that would be easily moved. Commissioner Supan stated that he would need more information prior to moving forward.

Commission Doi stated that he likes the idea, but not convinced on the volleyball courts and is not comfortable with the lighting plan as submitted.

Commissioner Powell stated that she is against the volleyball and her concerns would be the process of obtaining equipment; whether people have their own or rent and is it a first come first serve basis.

Commissioner Hendricks stated that he likes idea and believes it adds pizzazz. Commissioner Hendricks stated that it seems self regulating and sounds if it doesn't work, then it will be taken out, but does think the lighting needs to be worked out.

Commission Culbertson stated that he likes the idea as a temporary use and believes that it will increase traffic throughout the center, but the lighting needs mitigated, but willing to grant variances subject to staff approval and/or input.

Commissioner Northcutt stated that his concern is the quality, but likes the concept with conditions on lighting and landscaping.

Chairman Campbell stated that it seems that they have enough positive interest to go forward and as long as is complies with the ordinance and planning administration.

Carolyn Sommers Erickson, 1346 Ranch House, asked if it was possible to have a meeting on the fourth Thursday of the month. Mrs. Sommers Erickson stated that even though the commission members are not currently meeting twice a month, which they used to and on an important item as this, it seems that they could make a concession. Mr. Efrussy responded that if the commission members are available, then it is certainly an option.

Commissioner Northcutt made a motion to table a Special Use Permit (SUP) for a temporary use for a proposed beach volleyball facility and a community garden within the Village At Fairview, located within the Commercial Planned Development District (CPDD), Zone K with staff and MG Herring Group to address the variance on lighting to town code and mitigate bleeding, discuss fruit trees, types and placement of landscape, provide coverage for transformers working with staff to address tool shed material and decomposed granite drive area, additional element of dog park and provide alternate study/sketch showing volleyball courts four in a row on north side of sidewalk. The motion was seconded by Commissioner Culbertson and the motion was unanimously approved.

5. **Conduct a public hearing and take action regarding a Revised Final Site Plan for Phase I of the Village At Fairview, regarding a proposed temporary use for a beach volleyball facility and a community garden. Said subject property is located within the Commercial Planned Development District (CPDD), Zone K.**

Mr. Efrussy introduced this project and stated that approval of this item is contingent upon the commission's action regarding the previous agenda item. Mr. Efrussy also stated that the shading on the Site Plan should be removed to provide better opportunity to observe, relate, and coordinate the consolidated uses on the Site Plan.

Commissioner Culbertson made a motion to table the Revised Final Site Plan for Phase I of the Village At Fairview, regarding a proposed temporary use for a beach volleyball facility and a community garden. Said subject property is located within the Commercial Planned Development District (CPDD), Zone K and for the plan to be updated by removing the shading and making a legend at the bottom of the plan that lists the Block and Lot number to refer to ownership and all approved and existing uses within "The Village at Fairview". The motion was seconded by Commissioner Powell and the motion was unanimously approved.

6. Adjourn.

Chairman Campbell adjourned the meeting at 10:06 p.m

Respectfully submitted,

Michelle Lewis Sirianni
Town Secretary

ATTEST:

Brayton Campbell, Chairman
Planning and Zoning Commission