

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

Chairman Campbell called the meeting to order at 7:03 p.m. Commission members present were Tom Supan, Ricardo Doi, Renee Powell, Paul Hendricks, 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. Commissioner Darion Culbertson was absent.

1. Consider and take action regarding minutes of the September 9, 2010 Planning and Zoning Commission meeting.

Commissioner Powell and Doi stated that they called in their corrections prior to the meeting.

Commissioner Northcutt made a motion to approve the minutes of the September 9, 2010 Planning and Zoning Commission meeting as amended. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Discussion regarding proposed professional offices and a passive/linear park on 13.9 acres at the northwest corner of Meandering Way and Stacy Road. Property is currently zoned RE-1.

Mr. Efrussy introduced this item stating that the subject property is on 13.9 acres. Mr. Efrussy stated that the history of the property has been told to Mr. Pollard, who is the potential applicant, and to Clark Staggs, who is representing Mr. Pollard. Mr. Efrussy stated that he has a mandate from town council to support the Comprehensive Plan recommendation and the RE-1 zoning regarding this property.

Mr. Staggs stated that he believes that their concept will be more appealing to the neighbors than previous proposals for this site, and that he and his client understand the history of this property, which is why they've included a passive use park to buffer the residents to the north. Mr. Staggs stated that the park is a unique feature and draws appeal with a half mile jogging trail, detention pond, trees, and two sun dials large enough to bring interest from the schools. Mr. Staggs stated the lot will be divided into eight one acre lots for a one story traditional office building on each lot.

Commissioner Hendricks asked what types of businesses they are proposing and are they providing additional landscaping to the north as well as irrigation for the park. Mr. Staggs responded that they will be professional offices attracting dental services, attorneys, architects, and with an emphasis on medical. Mr. Staggs commented that they've had three Fairview residents interested in these concepts who are medical doctors and that it would seem appropriate to add irrigation and additional shrubs and trees as necessary.

Commissioner Powell asked what the buildings will look like. Mr. Staggs responded that they will not have high roof lines, and will be one story with a soft traditional/contemporary feel.

Commissioner Doi asked if they have visited with the neighbors and received feedback and/or reactions to the project. Mr. Staggs responded that he has heard from two neighbors and one that is immediately next to this subject property. Mr. Staggs commented that the neighbors next to this subject property are neutral.

Commissioner Northcutt asked if they had looked at other office buildings within a certain mile radius and their occupancy levels and whether some were leased versus owned. Mr. Staggs responded that they have not made any comparisons.

Chairman Campbell stated that traffic could become an issue and asked if they anticipated having a traffic light. Commissioner Doi stated he would be interested in seeing a traffic analysis if the project moves forward.

Commissioner Doi asked who would maintain the grounds including the town park area and other common areas. Mr. Staggs responded that either the tenant would or an association.

Commissioners Powell and Northcutt asked what would prohibit the applicant from placing homes on this site. Mr. Staggs responded that it's a flat area with no existing trees and the noise would be an issue. Commissioner Powell commented that the subdivisions of Bridlegate and Hawkswood are still building. Commissioner Supan stated that there were enough concerns from Bridlegate residents with the previous concepts that unless residential use was placed on this property it would be left vacant since the residents do not want commercial east of the Vet Clinic. Commissioner Hendricks commented that the land needs to be developed and would like to see residential use on this property as well, but of all the proposals, this one is the best thus far.

Mrs. Marlo Ballard, 130 Horseshoe Bend, stated that her residence backs up with homes on Meandering Way. Mrs. Ballard stated that there is so much commercial there already on the south east corner of Meandering Way and Stacy Rd., and do not want commercial uses leaching into residential areas and causing the loss of residential losing property values. Mrs. Ballard stated that she would like to see the town purchase the property and let the property become a large park.

Mr. Gary Anderson, 822 Mustang Drive, stated the he is north of River Oaks and his concern is using Meandering Way as an entrance. Mr. Anderson stated that the traffic and parking could be an issue. Mr. Anderson also commented that the zoning on this property is there to protect the residents from spot zoning and also does not want to lose property value on his home.

Mr. Orla Brown, 1080 Hart Road, stated that he has lived in Fairview for 50 years and would like to see the property stay as residential. Mr. Brown stated that this could open Pandora's Box setting a precedent that if you allow one commercial use you can allow another.

Mr. Mike Burkhardt, 620 Forest Oaks, stated that he thought that consideration of uses other than residential would not be further considered on this subject property and agrees that he would not like the home values to decrease.

Commissioner Hendricks stated that although this is a favorable concept, the citizen's opinions are in opposition to the concept and agrees that he does not want to see property value decrease.

Commissioner Northcutt stated that he would like to see the property kept as residential even though this is a nice concept.

Chairman Campbell stated that this is the best proposal they have seen to date, but the consensus is that this concept is not going to work and that he would like to see it remain zoned residential.

Mr. Staggs thanked the commission and town staff for their consideration and the opportunity to discuss this project.

3. Discussion regarding modifying of the definitions related to setbacks and vertical structures within the Heritage Ranch Planned Development District.

Mr. Donnell introduced this item stating that currently there is no clear definition of the vertical setbacks within Heritage Ranch. Mr. Donnell stated that residents of Heritage Ranch and town staff would like to recommend an allowable limit of no more than 20" in height within the setback. Mr. Donnell stated that currently the IRC requires either a masonry structure or wrought iron fence at the end of the patio if the drop between the slab and the ground is 30", but the town is recommending allowing seating walls, planters, etc. Mr. Donnell stated that this is a discussion item only and asking the commission to provide feedback.

Commissioner Supan asked what the difference was between the 16" and 20" within the setback. Mr. Donnell responded that they are suggestions of whether to use one or the other.

Commissioner Northcutt asked if there were CCR's within the HOA and can the residents have any vertical work within the setback. Mr. Donnell responded that there are, but no clear definition and if the vertical drop is less than 30", then the resident can have an iron rod fence, but no planter's box.

David who serves on the Architectural Review Committee for Heritage Ranch stated that anything vertical has to be 12' from the property line and the issue is the flat lots and going into a setback.

Jim Houser, 1304 Shinnecock Court, stated that the lots are small and are required to have a guard rail if 12' deep and 30" off ground. Mr. Houser stated that if less than 30", then they are not allowed to use planters, but if definition changed they can use lights, guard rail or seating walls.

Commissioner Hendricks asked if the town is bringing this to question or the CCR's. Mr. Donnell responded that it's the inconsistency between the two and they can choose to leave as is or change.

Consensus of the commissioners was to bring this back as public hearing.

4. Conduct a public hearing and take action regarding a Special Use Permit for Splitsville, a bowling alley, located within the Commercial Planned Development District (CPDD), Zone K.

Mr. Dunlap introduced this item stating that currently per town ordinance a bowling alley requires a Special Use Permit. Mr. Dunlap stated that Splitsville is an upscale bar, restaurant with a bowling alley. Mr. Dunlap stated that the architectural review committee has approved the outside design and a building permit has been issued. Mr. Dunlap stated in order to allow the bowling alley, a Special Use Permit must be issued, which is being recommended by town staff.

Commissioner Northcutt asked if this was just a formality. Mr. Dunlap responded that yes it is.

Chairman Campbell opened the public hearing. No comments were made and the public hearing was closed.

Chairman Campbell opened discussion to commission members. Commissioner Northcutt asked with the restaurant if they had adequate bathrooms and what were

the hours of operation. Mr. Dunlap responded that they have adequate facilities and will have regular restaurant hours. Commissioner Northcutt asked if the restaurant hours were included in the Special Use Permit or covered by the liquor ordinance. Mr. Dunlap responded the late hours are covered under the liquor license.

Commissioner Hendricks made a motion to approve the Special Use Permit for Splitsville, a bowling alley, located within the Commercial Planned Development District (CPDD), Zone K. Commissioner Supan seconded that motion and the motion was unanimously approved.

5. Conduct a public hearing and take action regarding a Special Use Permit for Mothers Day Out Program located within the Mosaic Christian Fellowship Church, which is located east of and adjacent to Highway 5, north of Lakeridge Drive, south of Plumwood Way, and west of Meandering Way, within the CPDD, Zone N.

Mr. Donnell introduced this item stating that this program is located within the CPDD and requires a Special Use Permit. Mr. Donnell stated that the proposed program will be two days a week and approximately 14 children. Mr. Donnell stated that there is no traffic concern and commissioners have the option to place conditions on the motion if they feel that additional days or children may be added later. Mr. Donnell stated that staff recommends approval.

Commissioner Hendricks asked why the number 14 was chosen for the children and if the Special Use Permit was a one year renewal versus a three year renewal. Chairman Campbell asked if they would have the capability to handle more than 14 children and asked if that requires licensing. Ms. Sherilyn Taylor, applicant, responded that licensing would be required if they added additional days, but does not with only two days a week. Ms. Taylor commented that she plans to pursue obtaining her license even though it's not currently required. Ms. Taylor stated that she plans to follow state requirements/standards and that if the program does well, she has staff on reserve to use.

Commissioner Hendricks asked if they were choosing two days a week to avoid the licensing and if there was a demand for more days. Ms. Taylor responded that there was no demand at this time for more than two days a week. Commissioner Hendricks commented that he has seen these programs and are usually very successful and recommends reviewing in one year to provide flexibility for growth.

Commissioner Powell asked that since they were proposing a Tuesday/Thursday group, would they consider a Monday/Wednesday group and the City of

McKinney has two, three and five day programs. Ms. Taylor responded that she would consider up to four days, but that would be the maximum.

Commissioner Northcutt asked if the room layouts only have one entrance or two. Ms. Taylor responded that the nap room has two doors. Mr. Donnell commented that the fire department has checked and they meet all code requirements.

Chairman Campbell asked when she would acquire her license and if insurance was required. Ms. Taylor responded that she should have her license next fall and insurance is not required and they are covered under the church's liability.

Commissioner Northcutt asked if there was a playground. Ms. Taylor responded that there is a playground surrounded by a three foot fence.

Commissioner Doi asked about the traffic circulation. Ms. Taylor responded that there is a circular driveway and is not a concern with the picking up or dropping off of children. Commissioner Doi asked if a plan could be submitted prior to the town council meeting. Mr. Donnell responded that they may list that as a condition in the motion.

Commissioner Doi made a motion to approve a Special Use Permit for Mothers Day Out Program located within the Mosaic Christian Fellowship Church, which is located east of and adjacent to Highway 5, north of Lakeridge Drive, south of Plumwood Way, and west of Meandering Way conditioned upon that Ms. Taylor provides a traffic circulation plan prior to the next regularly scheduled town council meeting, with a one year evaluation subject to extension, allowing up to 25 children and up to four days a week while meeting all state requirements. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

6. Discussion regarding a resident's request to rezone property from RE-2 to either RE-1.5 or RE-1 located south of Hart Road, north of Country Trail, west of Elm Creek Drive and east of St. James Drive.

Mr. Donnell introduced this item stating that Mr. Hickey, the owner of the property was annexed and zoned at the same time in 2008 as part of the Three Year Annexation Plan. Mr. Donnell stated at that time Mr. Hickey was opposed to the RE-2 zoning and that his intent was to be able to build another house on the property for his daughter. Mr. Donnell stated that Mr. Hickey would like to discuss with the commissioners the possibility of re-zoning his property so that two houses can be accommodated for on his land.

Mr. Pat Hickey, property owner, stated that prior to the annexation he was able to put three houses and now is not. Mr. Hickey stated that there is a common access driveway and has talked to surrounding neighbors and received letters of support.

Mr. Hickey stated that he'd like to build a house for his daughter who is currently moving back into the area and has no other intentions for the land.

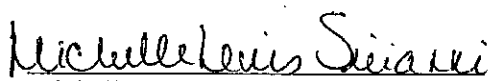
Commissioner Hendricks asked if it is re-zoned would he split the lots. Mr. Donnell replied that it was not platted, but if re-zoned to RE-1.5, Mr. Hickey could build the house or he would have to acquire additional land from an adjacent neighbor to build. Commissioner Northcutt asked if his property was not re-zoned, could he apply for a variance. Mr. Donnell responded that he would be unable to apply for a variance.

Consensus of the commission members was to recommend the RE-1.5 zoning district.

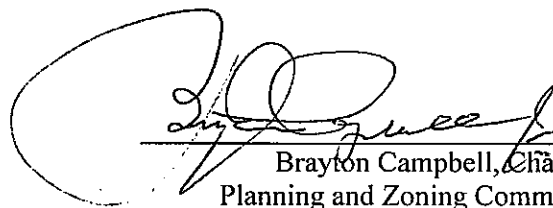
7. Adjourn.

Chairman Campbell adjourned the meeting at 8:53 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Brayton Campbell, Chairman
Planning and Zoning Commission