

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 11, 2010**

Chairman Campbell called the meeting to order at 7:11 p.m. Commission members present were Ricardo Doi, 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; Budget and Management Analyst, Adam Wilbourn; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni. Commissioner Tom Supan was absent.

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

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

Commissioner Powell made a motion to approve the minutes of the October 14, 2010 Planning and Zoning Commission meeting as amended. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing and take action regarding amending the Heritage Ranch Planned Development District regarding vertical structures within setbacks with a maximum height of 20”.

Mr. Donnell introduced this item stating that there is currently no clear definition on allowing vertical structures, which includes stone seating walls, planters, etc. Mr. Donnell stated that staff feels that since many residents in this development use their patios, and as a safety issue that proposing a vertical structure no taller than 20” would be not be obtrusive and will be aesthetically appropriate.

Chairman Campbell opened the public hearing. Jim Hauser, representative of Heritage Ranch, thanked the commission for working with them on this item and all comments were made at the previous meeting.

Chairman Campbell closed the public hearing and opened discussion to commission members. Commissioner Culbertson asked if this is compliance with the architectural standards. Mr. Hauser responded that it is in compliance.

Commissioner Hendricks made a motion to approve a vertical structure within the setbacks up to twenty (20") maximum within the Heritage Ranch Planned Development District (CPDD). Commissioner Culbertson seconded that motion and the motion was unanimously approved.

3. Conduct a public hearing and take action regarding the Concept Plan for Fairview Downs Residential Subdivision located east of Ridgeview Dr., north of Fairview Parkway, west of Emerson Court, and south of Ranchette Estates within the Commercial Planned Development District (CPDD), subzone I.

Mr. Donnell introduced this item stating that the applicant and owner, Mr. Bowen and his consultants, Steve Sallman and Richard Hovas were in attendance to help answer any questions. Mr. Donnell stated that this Concept Plan is simple in nature and roads will be wider than the Villages of Fairview subdivision. Mr. Donnell stated that this plan is in conformance with code requirements, but suggests more stringent requirements for rear yard setbacks for lots shown on the east side of the development since they are adjacent to existing lots; therefore, staff suggests 25'-30' setbacks versus 20'. Mr. Donnell stated that this is just a Concept Plan and the Site Plan, which would be the next step is more detailed in nature.

Mr. Sallman stated that the subject property is west of the Villages of Fairview subdivision and is located within the Commercial Planned Development District (CPDD) subzones I, which is residential and subzone J, which is commercial. Mr. Sallman stated that they are preserving the tree cover and will use the creek as a buffer for the proposed detached homes on this subject property. Commissioner Hendricks asked how close the development was to US 75 and if there was a market for homes in this area. Mr. Sallman responded that there is a market for the homes as long as they maintain the environment that exists and believes it maybe a half mile away from US 75, but currently does not have the exact distance.

Commissioner Culbertson asked about the traffic flow within the subdivision and connecting streets. Mr. Chancellor responded that the streets will not have any abrupt jog in them and traffic will be stopped at intersection. Mr. Donnell added that they can also use traffic calming devices to help slow down traffic in the Villages of Fairview.

Leland Payne, 398 Park Village, asked if the intersection at Latham Drive was in compliance with the town's Master Thoroughfare Plan. Mr. Chancellor responded that residential intersections do not end up on Master Thoroughfare Plans. Mr. Payne stated that his concern is the cut through traffic and emergency access. Mr. Donnell responded that the police and fire departments approved this Concept Plan and it allows for multiple access points.

Commissioner Northcutt asked what the distance was from curb to curb. Mr. Sallman responded that there is 31' of paved area. Commissioner Northcutt expressed his concern with the width of the lots and meeting the front and rear yard setbacks on certain lots, especially those that abut to the existing subdivision.

Commissioner Doi stated that he has spoken with neighbors within the Villages of Fairview and some were in favor of this plan and some were opposed. Commissioner Doi stated he's not concerned with cut through traffic and that the Latham connection doesn't provide an effective it doesn't seem to promote a second access easement for fire which would be a safety concern. Commissioner Doi stated his concern with roadway width transition between subdivisions and asked what was being planned for the stretch of road between abutting the Villages of Fairview subdivisions. Mr. Sallman responded that they plan on doing more landscaping with grass and irrigation.

Commissioner Northcutt asked if they knew what the foot print of the home(s) would be. Mr. Sallman responded that there will be one and two story homes with a maximum foot print of 80x30 and the homes ranging from 1700-1800 square feet and larger and adding a two car garage of 400-500 square feet to have a minimum 2,000 square foot home. Mr. Donnell stated that he recommends adding a note to the plan stating that the home will be 1700 square feet air conditioned and add to note #3, 'and/or accessory buildings'.

Commissioner Doi asked if any land would be encroaching into the flood plain. Mr. Chancellor responded that it would require a permit under the flood plain requirements and that they would have to establish elevations for the site plan. Mr. Chancellor added under FEMA no reclamation is allowed.

Chairman Campbell opened the public hearing. Drew Socorro, 251 Latham stated that his concern is the connection to the new community, fire access, and the parking issue, especially with a small island where no parking is allowed. Mr. Chancellor responded that it is not legal to park on a divided section.

Molly Peterson, 5593 Emerson Court, stated that her concern is that the proposed plan backs up to existing homes and she does not want her property value to be decreased, which would then result in difficulty in selling the home. Mrs. Peterson also added concerns of privacy and parking issues.

Brad Clear, 5577 Emerson Court, stated that he is opposed to the plan and is not interested in smaller homes being built behind his. Mr. Clear stated that in his opinion, it is not an attractive location for a new subdivision and is concerned in losing the existing trees. He is also concerned with the lot widths. Mr. Clear added that currently when it rains, it's common to have 2" of standing water and questions if the homes would need to be elevated. Mr. Clear stated overall he's fearful of a failed product.

Lorraine Lodigiani, 5595 Emerson Court, stated that she is currently the treasurer for the Villages of Fairview HOA and believes that this area does not have adequate space for new homes. Mrs. Lodigiani stated she was told that no development would occur due to the flood plain and paid a premium to not have no homes behind hers. Mrs. Lodigiani also stated her concerns regarding parking, property values and not being an aesthetically pleasing location.

Palmer Weyandt, 601 Blue Bonnet, asked if the properties west and north of the creek are zoned commercial. Mr. Donnell responded that they are both zoned commercial.

Ray George, 5597 Emerson Court, stated that he agrees with the other comments. Mr. George stated his concern is the decreasing property values and being opposed to smaller homes being built behind his.

Commissioner Culbertson asked what the lot widths were on Emerson Court. Mr. Donnell responded that they are 55' and 50-55' south of Latham.

Leland Payne, 398 Park Village, stated that his concern is the feasibility of the built product.

Bob Knollenberg, 5569 Emerson Court, stated that a sales person did tell them that no building would occur due to the flood plain also. Mr. Knollenberg asked if there was a way to protect the existing trees or a no build buffer. Mr. Knollenberg also shared the same concerns as the others, especially the property values decreasing.

Caleb Adeogun, 5591 Emerson Court, stated that he also agrees with the other comments.

Chris Foy, 420 Horseshoe, suggested building half the lots and increasing the home size, but is at least happy not to see apartments going into this location. Mr. Foy stated that he does cut through the Villas in the Park subdivision to get home faster and questioned Ridgeview to Meandering being used.

Mr. Sallman stated that he is trying to be attentive to the development and the consistency with what's already in place. Mr. Sallman stated that they plan to have high quality single family detached homes ranging in price from \$240,000-

\$280,000. Mr. Sallman stated out of their research so far the market is gearing towards empty nesters. Mr. Sallman stated that they are also committed to preserving the greenbelt and having wider streets. Mr. Sallman stated that the Site Plan will address many of the resident's concerns including landscaping and that it will be in compliance with the town ordinances.

Chairman Campbell stated that they are solely a referring body and they make their recommendation to the town council, who ultimately makes the final decision. Commissioner Culbertson agrees with the sentiments of the residents and being consistent with the property sizes. Commissioner Culbertson stated that he believes larger lots with lower density is the way to go. Commissioner Hendricks commented that he believes the density is too high and not consistent with homes on Emerson Court. Commissioner Powell stated that she appreciates leaving the creek in its natural state and not building within the flood plain, but would like to see larger lots. Commissioner Northcutt stated that he believes that there should be a buffer and an easement in the backyards to prevent removal of the existing trees by homeowners and that keeping the trees is important.

Commissioner Northcutt stated that he's also concerned about the lots that back up to existing subdivision.

Mr. Donnell stated that the commissioners have the option to keep the public hearing open and can table to next month. Commissioner Doi stated that he believes that density is not an issue because the Villages of Fairview has higher density than the proposed development. Commissioner Doi stated that the number of units seems to be the issue and not density. Commissioner Doi expressed desire to see homeowners and developer discuss specific issues and develop an alternate concept plan. Commissioner Doi indicated that the project is in a transition area and that the Villages of Fairview is part of that same transition area. Commissioner Doi pointed out that homeowners of Ranchette Estates likely did not like the idea of having 55' wide lots when they live in 1 acre parcels. Commissioner Doi also pointed out that the CPDD zoning transition allowing smaller lots and denser developments moving from Ranchette Estates to the Mall area is good planning practice and it makes sense in the context of urban planning. Commissioner Doi also mentioned that he would not want to purchase a 1-acre lot next to a Mall and that the transition is necessary.

Commissioner Doi made a motion to table the Concept Plan for Fairview Downs Residential Subdivision located east of Ridgeview Dr., north of Fairview Parkway, west of Emerson Court, and south of Ranchette Estates within the Commercial Planned Development District (CPDD), subzone I to December 9, 2010. Commissioner Culbertson seconded that motion and the motion was unanimously approved.

- 4. Conduct a public hearing and take action regarding the rezoning of three acres commonly known as the Hickey property located south of Hart Road, north of Country Trail, west of Elm Creek Drive and east of St. James Drive from the Two-Acre Residential Estate Zone (RE-2) to the One and One-Half Acre Residential Ranch Estate Zone (RE-1.5).**

Mr. Donnell introduced this item stating that the applicant moved into Fairview prior to the annexation and zoning of his property and is surrounded by RE-1 properties. Mr. Donnell stated that the applicant is requesting to change the zoning of his property so that two houses can be accommodated on his land. Mr. Donnell stated that at the last commission meeting, the consensus of the commission members was to bring back to rezone to the RE-1.5 zoning district.

Commissioner Culbertson asked if staff has received any feedback from the neighbors. Mr. Donnell responded that Mr. Hickey received letters from his neighbors supporting his request.

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

Chairman Campbell opened discussion to commission members. No comments were made.

Commissioner Doi made a motion to approve the rezoning of three acres commonly known as the Hickey property located south of Hart Road, north of Country Trail, west of Elm Creek Drive and east of St. James Drive from the Two-Acre Residential Estate Zone (RE-2) to the One and One-Half Acre Residential Ranch Estate Zone (RE-1.5). Commissioner Northcutt seconded that motion and the motion was unanimously approved.

5. Adjourn.

Chairman Campbell adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary



Brayton Campbell

Brayton Campbell, Chairman
Planning and Zoning Commission