

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
WORKSESSION
THURSDAY, JANUARY 27, 2011**

Chairman Campbell called the meeting to order at 7:00 p.m. Commission members present were Tom Supan, Ricardo Doi, Renee Powell, Paul Hendricks, and Darion Culbertson. Staff members present were Planning Director Alan Efrussy; Town Engineer, James Chancellor P.E. and Town Attorney, Clark McCoy. Commissioner Brad Northcutt was absent.

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

Commissioner Doi stated that he called in his corrections prior to the meeting.

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

2. Conduct a work session with the town staff and the Planning and Zoning Commission to discuss an update of procedures regarding development in Fairview to include (a) procedures undertaken by staff prior to and during commission meetings; (b) procedures of developers and consultants at commission meetings; and (c) the procedures undertaken by the commission at its meetings.

Chairman Campbell introduced this item stating that the purpose of this item is to provide clarification on what the commissioners can and cannot do as they function through their meetings. Chairman Campbell stated that he and Commissioner Hendricks asked staff to provide information on the following topics along with the advice from the town's attorney.

Mr. McCoy, town attorney, commented on that the commissioners will have administrative duties and discretionary duties. Mr. McCoy stated that the administrative duties will allow them to approve or deny an item based on certain factors and discretionary duties are items that they may recommend to town council based under statute or state law. Mr. McCoy stated this would include items such as Preliminary and Final Plats, where these must be approved if they meet technical requirements and if not the commissioners can recommend denial.

Mr. McCoy stated that when the town or property owner initiates zoning the commissioners have more discretion since there are more aspects than objective criteria. i.e., The Comprehensive Plan. Mr. McCoy noted that when zoning is being established within zoning districts, the Planned Development zone has more flexibility than straight zoning districts such as RE-1, RE-2, etc., and that the CPDD has the most flexibility and changes can be made up until the Site Plan is approved.

Chairman Campbell asked if the commissioners can deny a planned development zone based on issues of density and/or the perceived potential damage to surrounding property values. Mr. McCoy responded that a reason for denial cannot be arbitrary, meaning they have to allow private property to develop, but once discussed in detail and they have specific facts based on a particular situation, the commissioners can request for a zoning designation and/or subzone to be changed. Mr. McCoy suggested that the commissioners annually review the CPDD and make any adjustments to subzones as things develop.

Mr. Chancellor, town engineer, stated that there is a level of detail difference between the Concept Plan and the Site Plan. Mr. Chancellor stated that when density is a factor and traffic concerns are brought up oftentimes staff is asked to do a traffic study. Mr. Chancellor stated that a common misconception is that a traffic study will determine if a neighborhood can handle the traffic, but a traffic study looks at existing connections and if turn lanes are needed and not at an overall thoroughfare and if it can handle the traffic. Mr. Chancellor suggested that an annual review also be done on the town's Master Thoroughfare Plan.

Commissioner Hendricks asked how a developer addresses and works with town staff in regard to procedures at meetings. Mr. McCoy responded that the developer should address the commission under guidelines of staff and the audience is there because they either have an interest for that item and not for dialog with the developer. Chairman Campbell emphasized to staff that they instruct consultants to talk to commissioners and not the audience when presenting at meetings. Mr. Efrussy stated that staff does advise all parties to address the commissioners directly.

Mr. Chancellor commented that oftentimes developers are told to meet with surrounding neighborhoods, which will then cause the developer to play to the audience when they present their item. Mr. Chancellor recommended that if a developer is directed to talk to a neighborhood that when the public hearing is held that the developer still needs to address the board when presenting and not the audience.

Chairman Campbell asked if it is appropriate for P&Z commissioners to attend town council meetings. Mr. McCoy responded that this is a gray area; however, if a quorum of the P&Z attends and council has business regarding the final outcome, then it's advised that the P&Z leave the room. Mr. McCoy stated that

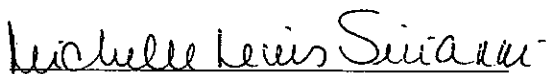
the same legal perspective applies to town council members attending a P&Z meeting. Commissioner Supan asked if emails to staff violate any law or the Open-Meetings Act. Mr. McCoy responded that it's okay to ask town staff as many questions as they like via email. Commissioner Powell asked if they can discuss matters with citizens if they are contacted via phone. Mr. McCoy responded that they can talk to citizens before and/or after a meeting, but it's also okay to tell citizens that they prefer them to come to the meeting.

Mr. Efrussy stated that the 2011 Calendar and upcoming events include annexation(s) and a zoning summary plan. Mr. Chancellor added that TXDOT will be having a public hearing regarding FM 1378 and the six lanes versus 4 lanes, and the widening of US 75 to four lanes on each side starting at 121. Mr. Chancellor stated in regards to development, the Davis Development will be starting to build the apartments in February, Custom Homes is moving, and no new subdivisions east of Highway 5, but individual homes expected to be built along with the expected piggy back development around the Village At Fairview.

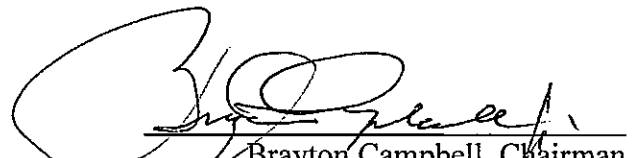
3. Adjourn.

Chairman Campbell adjourned the meeting at 9:56 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Brayton Campbell, Chairman
Planning and Zoning Commission