

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
MEETING & WORKSESSION
THURSDAY, JUNE 9, 2011**

Chairman Brayton Campbell called the meeting to order at 7:00 p.m. Commission members present were Ricardo Doi, Renee Powell, Brad Northcutt, and Paul Hendricks. Staff members present were Planning Director Alan Efrussy; Town Engineer, James Chancellor; Budget and Management Analyst, Adam Wilbourn; Community Development Manager, Ray Dunlap; Management Intern, Ken Schmidt and Town Secretary, Michelle Lewis Sirianni. Commissioner Tom Supan was absent.

1. Consider and take action regarding the minutes of the May 12, 2011 Planning and Zoning Commission meeting.

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

Commissioner Powell made a motion to approve the minutes of the May 12, 2011 commission meeting as amended. Commissioner Doi seconded that motion and the motion was unanimously approved.

2. Continuation of a public hearing and take action regarding the zoning of property that is annexed but unzoned, comprised of 84.0± acres, of which 71.2± acres are proposed to be zoned Open Space and Flood Hazard Zone (FH) and 12.8± acres are proposed to be zoned Two-Acre Ranch Estate Zone (RE-2), generally located east of Country Club Road (FM 1378), west of County Road 317, north of Meandro Ria Lane, and south of County Road 326.

Mr. Wilbourn introduced this item stating that at the last meeting the commissioners advised staff to table the item. Since that time, staff has been able to meet with the property owner to discuss concerns and answer questions. Mr. Wilbourn stated as a result of this meeting, staff is changing the zoning recommendation to Agricultural Zone (AG) due to the fact that the primary use on this subject property is agriculturally-oriented uses. Mr. Wilbourn stated that staff feels comfortable moving forward with AG zoning, which would allow the owner to continue his agricultural functions. Mr. Wilbourn stated that since this public hearing was advertised to be zoned to the RE-2 and FH zone, he is requesting that the commissioners change the scheduled public hearing to a discussion item so that staff may re-advertise for the correct zoning district for a public hearing if the commission agrees to have staff initiate a public hearing for the AG zone.

Commissioner Northcutt made a motion to change the advertised public hearing on the agenda to a discussion item. Commissioner Powell seconded that motion, and that motion was unanimously approved.

Mr. Wilbourn added that the current agricultural uses on this subject property include a pecan orchard and livestock. There is also a barn and residential structure on the property. Mr. Wilbourn stated that based on the history of this property, there would be no adverse affects zoning to the AG zone. Mr. Wilbourn stated that James Chancellor, town engineer addressed flood plain concerns and feels comfortable with the AG recommendation. Mr. Wilbourn stated that in order to initiate zoning, staff will need to re-advertise and request that the public hearing be held at the July 14, 2011 meeting.

Mr. Tanner, owner of the property stated that he primarily raises cattle and some horses. Mr. Tanner stated that he plans to make no changes and there is no space for any residential structures and desires to have AG zoning.

Commissioner Northcutt asked how many cattle and horses he currently has on his property. Mr. Tanner responded that he currently has roughly 34 cattle, 15-30 horses, 200 pecan trees, which take up most of the area and a twelve stall horse barn and round bin.

Commissioner Hendricks commented on his concern for the uses within the flood plain and asked if it would be protected with the property owner's current operation. Commissioner Hendricks also asked if the RE-2 zoning district wouldn't allow for the current uses. Mr. Chancellor responded that this property doesn't cause any problems for the flood plain with its current uses. Mr. Efrussy stated that in the RE-2 zone, it is allowed to raise animals or fowl for commercial purposes, but only on those land parcels of ten acres in size, or on land parcels of five acres in size if not part of an established subdivision. Mr. Efrussy also stated that the above stated uses are only allowed as permitted accessory uses. Commissioner Hendricks asked what would happen if the owner decided to raise chickens or pigs. Mr. Efrussy responded that code enforcement would also check for any concerns, but would be okay.

Commissioner Doi made a motion to direct staff to change the recommended from RE-2 and FH zoning to Agricultural (AG) zoning and to re-advertise for a public hearing to be held July 14, 2011. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing and take action regarding a recommended five year extension of an existing Special Use Permit, for the manufacturing of soaps, detergents and cleaners, within the Commercial Planned Development District (CPDD), Zone M, located at 990 S. State Highway 5, suites 100 and 101.**

Mr. Schmidt introduced this item stating that the uses have stayed the same and the town has had no issues and/or complaints regarding this item since it was first approved as a SUP in 2005. Therefore, the town staff recommends that the SUP be granted for five years with the following conditions: the SUP only is granted to Mr. Jennings, owner, the SUP is only for soaps, detergents, and cleaners that shall be manufactured on this property, the SUP be granted in five-year increments, a sign variance as requested and previously approved continue to be allowed; applicant shall undergo an annual fire inspection and install a working, certified fire sprinkler suppression system once utilities are available to support this system.

Commissioner Powell asked when the utilities would be available for the sprinkler system. Commissioner Hendricks asked why they are not already there. Mr. Chancellor responded that a 2" water line is currently in place, but is too small to withstand the water pressure. Mr. Chancellor added that Jeff Bell, fire marshal is confident that it will not be an issue. Mr. Jennings commented that the only chemical used now is alcohol, just like your common household alcohol and is self-contained and used in limited quantities.

Commissioner Doi asked if the fire inspection was done. Commissioner Northcutt asked if there have ever been any incidents. Mr. Jennings responded that the inspection was done by the fire department and there have been no incidents in the past three years.

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

Commissioner Doi made a motion to approve a five year extension of an existing Special Use Permit with same conditions and requirements as the previous SUP, for the manufacturing of soaps, detergents and cleaners, within the Commercial Planned Development District (CPDD), Zone M, located at 990 S. State Highway 5, suites 100 and 101. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

- 4. Conduct a public hearing and take action regarding the rezoning of property currently zoned One-Acre Ranch Estate Zone (RE-1), to the Planned Center Zone (PC), located at 851 Stoddard Road. Subject request is for a developer's office use and storage and restoration (limited to painting, staining, and gluing) of antiques. Also requested are several uses to be potentially established in the future.**

Mr. Wilbourn introduced this item stating that the applicant of this item has requested a Planned Center Zone (PC) for the subject property. Mr. Wilbourn stated that the intended use of space is to have office space for business and storage space for storing and restoration of antiques (limited to painting, staining, and gluing) and other collectible-oriented merchandise. Mr. Wilbourn stated that the applicant has also requested to be able to sell antiques, which the town staff is requesting that it be limited to six times per year and said times shall be at the discretion of the property owner. Mr. Wilbourn stated in addition to this request, the applicant(s) have requested that if at any time the uses stated above no longer become financially viable or feasible, they would like to have other uses added. Mr. Wilbourn stated these include a child care facility with hours limited to Monday through Friday, 7:00 am to 6:00 pm; a bakery and catering service with no consumption of food on premise with hours of operation limited to Monday through Saturday, 7:00 am to 6:00pm; an antique shop with limited hours of Monday through Saturday, 7:00 am to 6:00 pm; a office; a warehouse limited to only the selling of commodities; a lawn and landscape service with limited hours of Monday through Saturday 7:30 am to 6:00 pm and no maintenance of vehicles at any time; and a small monument sign in the front of the subject premise. Mr. Wilbourn stated that all of these must meet all town requirements at time of application and if approved that the condition of approval for the small monument sign be approved by town staff.

Commissioner Northcutt asked if the lawn care business was no longer there and if the location has been empty and idle for some time. Mr. Wilbourn responded that that was correct.

Commissioner Powell stated that she has concerns about any changes on this subject property. Chairman Campbell asked if the neighbors were aware of the request. Mr. Efrussy responded that they are aware and that the resident at 861 Stoddard has expressed concerns about uses.

David Wideman, 990 Country Club Road, stated that he needs space to put additional antiques. Mr. Wideman stated that they have a store in McKinney and would like to have the additional space. Mr. Wideman added that he currently works out of the office space for his commercial real estate business.

Commissioner Northcutt asked in regards to the child care service if they had space for a drive-thru where parents could drop off and pick up children. Chairman Campbell stated that he is okay with the office and antique/warehouse storage, but prefers to see the applicant come back and ask for additional uses when ready. Commissioner Doi agreed and suggested a site plan. Commissioner Hendricks stated that he also has the same concerns. Commissioner Powell added that she would also be okay with the catering/baking business in addition to the antique storage/warehouse. Commissioner Doi asked if onsite parking would be required. Mr. Efrussy responded that it would be required and there are some parking concerns. Commissioner Hendricks voiced his concern over setting precedence with placing a business within a residential area that is not contained

with the CPDD. Mr. Efrussy stated that this would be site specific with the PC Zone and staff recognizes concerns. Consensus of the commission is that they are not in favor of approving the other additional uses requested by the applicant.

Chairman Campbell opened the public hearing. Chuck Williams, 800 Stoddard Road, stated that his concern is the other commercial uses and the chemicals used for restoration for the antiques. Mr. Williams stated that he is not opposed or in favor of this item.

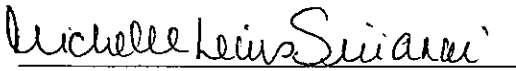
Chairman Campbell closed the public hearing.

Commissioner Hendricks made a motion to approve the rezoning of property currently zoned One-Acre Ranch Estate Zone (RE-1), to the Planned Center Zone (PC) for developer's office space and antiques restoration and antique storage (limited to painting, staining, and gluing) and other collectible-oriented merchandise, upon which said uses will meet all town, state and/or other applicable codes, ordinances, including Performance Standards, regulations, and requirements at the time of application for said uses. The antique sales or other collectible-oriented merchandise, shall occur four days per year with limited hours of 7:00 am to 6:00 pm and be held at the discretion of the property owner with town staff bringing back proposed signage for consideration once reviewed. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

5. Adjourn.

Chairman Campbell adjourned the meeting at 8:50 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Brayton Campbell, Chairman
Planning and Zoning Commission