

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
MEETING & WORKSESSION
THURSDAY, JULY 14, 2011**

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

1. Consider and take action regarding the minutes of the June 9, 2011 Planning and Zoning Commission meeting.

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

Commissioner Northcutt made a motion to approve the minutes of the June 9, 2011 commission meeting as amended. Commissioner Powell 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 proposed to be zoned Agricultural Zone (AG), 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 previous Planning and Zoning commission meeting, a discussion was held and the commissioners consensus was to bring this item back for a public hearing to be zoned to the Agricultural Zone. Mr. Wilbourn stated that most of this property is in the flood plain and that there is currently a pecan orchard being used as a commercial use. Mr. Wilbourn added that there are also two existing structures located within the subject property that are not located in the flood plain. Mr. Wilbourn stated that this zoning would also provide more open space and low density; therefore, town staff recommends approval.

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

Chairman Campbell opened discussion to commission members. Commissioner Hendricks asked if the property is zoned Agricultural, can the owner continue commercial endeavors and is there a residence on the property. Mr. Wilbourn responded yes to both. Commissioner Hendricks asked if there would be a request to build an additional structure on this subject property, would there have to be a request to change the zoning. Mr. Efrussy responded that there would need to be a change in zoning and a request would have to come forward to the commission members and then ultimately council, and if the AG zone would not allow, for example, additional accessory buildings and/or other structures not permitted in the AG zone.

Commissioner Doi commented for the record that since there is a good deal of flood plain on this property that any earthwork and/or grading would require a permit from the town, which would go through the town engineer who serves as the Flood Plain Administrator.

Commissioner Hendricks made a motion to approve the zoning of property that is annexed but unzoned, comprised of 84.0± acres proposed to be zoned Agricultural Zone (AG), 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. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

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

Mr. Wilbourn introduced this item stating that the Concept Plan was approved by council on January 4, 2011 for the Fairview Downs Subdivision. Mr. Wilbourn stated that staff has reviewed the Site Plan and it is in compliance with all town requirements. Mr. Wilbourn stated that the applicant is also requesting three variances, which include: (1) one tree per lot within the front yard be required to 50 ft. on center spacing for canopy trees; (2) Approval of 50 ft. spacing of streetscape/screening trees in the open space lot, Lot 1, Block X; and (3) Approval of the proposed landscape cul de sac median. Mr. Wilbourn stated that town staff has also reviewed the proposed monument sign, which also meets all town requirements. Mr. Wilbourn added that he has received no positive or negative feedback from surrounding residents and therefore, recommends approval of the proposed Site Plan as submitted on July 6, 2011.

Commissioner Northcutt asked what the normal/typical spacing as listed in the second variance request would be since the applicant is asking for 50 ft. Steve Sallman, representing the owner/applicant responded that normal spacing is 30 ft.,

but they are requesting 50 ft to match the opposite side of the street so that it will have a continuous pattern.

Commissioner Doi asked if they plan to place the monument sign within lot 1 and if they have given thought to where they are placing the model homes. Mr. Sallman responded that they do plan to place the monument sign within lot 1 and by adding some additional landscaping that the HOA will maintain and that they are looking at lots 19 and 1 for the model homes, which will have wrought iron fences as requested. Commissioner Doi also asked if the connection to Latham Drive could have some kind of traffic device incorporated. Mr. Chancellor responded that they could elevate the road slightly using raised cobblestone or stamped concrete. Commissioner Northcutt asked if the parking will be on one side of the street only and if they have considered widening the open space. Mr. Sallman responded that only four homes will be affected and the streets will be wide enough for emergency vehicles and it has been approved by the fire marshal, so there are no plans to widen the open space. Commissioner Hendricks suggested using the open space to carve out additional space for parking due to the parking issues the adjacent subdivision already has.

Chairman Campbell opened the public hearing. Brad Clear, 5577 Emerson Court, stated that he would like to see the model homes placed on the south end of the development as well as expressing that none of the trees be removed. Mr. Clear asked the developer to also consider the lights from the cars, etc., and how the back lots will not resemble the same as the others that share on the back side. Mr. Sallman commented that the trees will not be touched and the Hackberry trees will remain. Mr. Sallman stated that the only trees that are affected are the ones within the roadway.

Eric Peterson, 5593 Emerson Court, asked what the average square foot will be on the homes. Mr. Sallman responded that they will be 2,000 – 3,000 square feet. Mr. Peterson commented that his concern is placing a house of this size on a 50 ft lot as well as what it will do to their property values and how it will affect their taxes. Mr. Peterson stated that there is currently a house for sale next to him and people have seen it and loved it, but buyers are concerned regarding what development will go in behind it as well as the cost; therefore, the house has not yet been sold and as a result, the price has been lowered.

Christie MacMillin 5598 Emerson Court, asked if there would be a separation between the two subdivisions and if not, if there would be signage or any sort of requirement to place something there. Mrs. MacMillin also stated that parking was a concern for access and safety.

Chairman Campbell closed the public hearing and opened discussion to commission members.

Commissioner Northcutt asked if any existing trees will be taken out. Mr. Sallman responded that only lot 1 is affected and seven total trees will be removed that are located within the roadway.

Chairman Campbell asked what their normal average size home is. Mr. Sallman replied that at this point, he doesn't know what will sell. They've had many interested builders inquire regarding this project; therefore, they are working with the one that is providing the most flexibility. Mr. Sallman stated they are trying to appeal to a larger market, which is why they have switched from 40' lots to 50' lots.

Commissioner Powell made a motion to approve the Site Plan for the Fairview Downs Residential Subdivision generally located east of Ridgeview Drive, north of Fairview Parkway, west of Emerson Court, and south of Ranchette Estates, and within the Commercial Planned Development District (CPDD), subzone I with the following three variances: (1) one tree per lot within the front yard be required to 50 ft. on center spacing for canopy trees; (2) Approval of 50 ft. spacing of streetscape/screening trees in the open space lot, Lot 1, Block X; and (3) Approval of the proposed landscape cul de sac median; with the addition of (4) use of cobblestone stamping on roadway and to approve the monument sign with the easement area to be maintained by the HOA. Commissioner Northcutt seconded that motion, and the motion was unanimously approved.

4. Consider and take action regarding the Final Plat for the Fairview Downs Residential Subdivision generally located as described immediately above.

Mr. Wilbourn introduced this item stating that the staff has reviewed the Final Plat for the Fairview Downs Subdivision and it is in compliance and meets all town regulations; therefore, town staff recommends approval as submitted dated July 6, 2011.

Commissioner Doi asked if the right-of-way is the same width. Mr. Chancellor responded that they have asked for 40 ft and he asked for an additional 10 ft for utility easements.

Brad Clear, 5577 Emerson Court, asked if they would consider before approving less homes and to make the bushes as tall as possible to appease current and new incoming residents behind the homes that back up to one another.

Commissioner Powell made a motion to approve the Final Plat for the Fairview Downs Residential Subdivision generally located as described immediately above and with the following condition: that the developer records a landscape, irrigation, a signage easement under separate instrument. The easement shall include the corner of Latham Drive and Fairview Parkway encompassing the monument sign and surrounding area. The easement shall grant the HOA perpetual rights to maintain the landscape area surrounding the monument sign. Commissioner Doi seconded that motion and that motion was unanimously approved.

5. Consider and take action regarding a Temporary Use Permit for three years for the outside display of recreational equipment, located at 5760 South Central Expressway, within the Commercial Planned Development District (CPDD), subzone F.

Mr. Skuta introduced this item stating that the Texas Star Furniture store has been operating prior to the annexation and zoning of this subject property and that a furniture store is a permitted use within this subzone of the CPDD. Mr. Skuta stated that the Tree Frogs Wooden Swing Set Factory inadvertently established an outdoor display of its wooden play structures, which resulted from a business agreement between Tree Frogs and Texas Star Furniture representatives. Mr. Skuta stated that Mr. Pennington, the applicant is requesting for Tree Frogs, a Temporary Use Permit for a period of three years along with the following: sharing of 800 sq. ft. office space inside the existing Texas Star Furniture building; outdoor display consisting of 15 to 20 play systems enclosed by a wrought iron fence; use of 100 ft. x 150 ft. of space outside for display of their play systems, including landscaping; the display area will use the outdoor lighting currently in place for Texas Star Furniture; signage request will be made at a later time, and Mr. Pennington understands that any sign request he has in the future shall be reviewed by town staff with recommendation to and final approval by the planning and zoning commission; Tree Frogs business will share the existing parking lot with Texas Star Furniture; Tree Frogs will share the existing utilities with Texas Star Furniture; hours of operation shall be from Monday through Saturday from 10:00 am to 6:00 pm and on Sunday from 12:00 pm to 5:00 pm; and the Site Plan submitted for this project shall also govern this project.

Commissioner Northcutt asked if the displays are secure to the ground. Mr. Pennington responded that the displays are not anchored, but it has not been a concern since the weight of the structures are heavy and they are secure within the fence area. Commissioner Northcutt asked if his business was a franchise. Mr. Pennington responded that the corporation is called 'Kids Structures', but the entity is Tree Frogs and he found the location by calling the 'For Lease' sign on the billboard. Commissioner Doi asked how long he has been there thus far. Mr. Pennington replied three months.

Commissioner Powell asked if the old structures are still there or have they been removed. Mr. Skuta responded that they have been removed and that the Wooden Swing Company, which is the adjacent neighboring company, is currently there now and the MG Herring company owns this property. Commissioner Hendricks asked how many structures are there now. Mr. Pennington replied there are ten swing sets, but that he is requesting to place 15-20 sets out. Commissioner Hendricks commented that a similar request was asked several years ago along Stacy Rd., and he is concerned of the image it presents to the community, especially being along the freeway. Mr. Pennington responded that he has sold several sets already and that he believes he is providing a service to the community versus how it looks aesthetically.

Chairman Campbell asked if there were any comments by the public. No comments were made.

Chairman Campbell continued the discussion with the commission members. Commissioner Hendricks asked the other members what their thoughts were on this request being an optical distraction. Commissioner Doi stated that he doesn't know the history on this subject property, but in his opinion it seems that these items are hard to display and the question really is that if the town would like to have the business or not. Commissioner Doi stated that he is on the fence on whether to approve or not.

Commissioner Flood stated that in her opinion the business would add to the appearance of what is already there and believes that the current retail uses would appreciate the possibility of additional traffic flow to their businesses.

Commissioner Northcutt stated that he is also on the fence and is concerned with the security of the swing sets along with how the town's perception since the town is an upscale community and trying to provide upscale shopping, etc.

Commissioner Powell asked if the commissioners could request additional landscaping. Mr. Efrussy responded that the commission could make requests within reason. Mr. Thompson representing Texas Star Furniture, stated that they intended on adding additional landscape.

Chairman Campbell commented that he would like assurance that the structures are secure and add landscaping to the request.

Commissioner Northcutt asked if there was any repercussion(s) if the commission did not approve. Mr. Efrussy responded that if additional time is needed, for the commission to make its decision, then the commissioners can make recommendations and that the town staff in good faith will let the applicant stay another month and once a determination is made, the applicant will proceed as required. If the commission did not approve this request, there would be no repercussion to the commission, because a denial is within the commission's right. Further, if the commission does not approve, town staff would required the Tree Frog business to vacate said property.

Mr. Steven Thompson, representing the property owner, stated that they sought out a high quality tenant for this property. Mr. Thompson added that he has no vested interest minus the minimal rent the owner will receive, so it is a limited investment at this point until approved. Mr. Thompson encouraged the commission to visit the property if they need additional time to make a decision.

Commissioner Doi asked if the sales office was inside the existing building and if he considered an indoor display. Mr. Pennington replied that their office is inside and that he shares space within the Texas Star Furniture building. Mr. Pennington added that an indoor display will not attract as much people as an outdoor display

and that it would affect the business. Mr. Pennington stated that the idea is to get the children to play on the sets and as well, an outdoor display is more visibly noticeable.

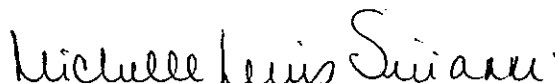
Commissioner Hendricks stated that he is eager to have businesses within the town and believes that each of these properties should be evaluated on their own merits and questions whether or not the town would be setting precedence by approving this item. Mr. Efrussy commented that the commissioners may table this item to a date certain and request additional items within the request if they so wish.

Commissioner Doi made a motion to table to the date certain of August 11, 2011 the request for a Temporary Use Permit for three years for the outside display of recreational equipment, located at 5760 South Central Expressway, within the Commercial Planned Development District (CPDD), subzone F; requesting the applicant to submit a landscape plan with details of and including an anchoring system for the swing sets. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

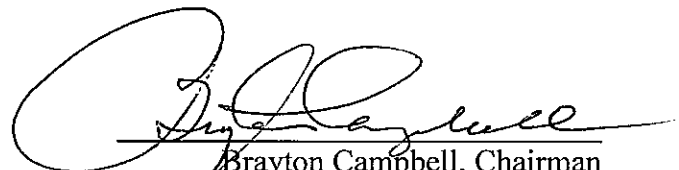
6. Adjourn.

Chairman Campbell adjourned the meeting at 8:49 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Brayton Campbell, Chairman
Planning and Zoning Commission