

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 10, 2011**

Vice Chairman Paul Hendricks called the meeting to order at 7:02 p.m. Commission members present were Tom Supan, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Town Manager, John Godwin; Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Special Projects Intern, Ken Schmidt; Management Intern, Jon Skuta, and Town Secretary, Michelle Lewis Sirianni. Commissioners Brayton Campbell and Ricardo Doi were absent.

1. Consider and take action regarding the minutes of the September 29, 2011 Planning and Zoning Commission meeting.

Commissioner Powell stated she called in corrections prior to the meeting. Commissioner Northcutt made a motion to approve the minutes of the September 29, 2011 meeting. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Discussion regarding a sports court.

Mr. Dunlap introduced this item stating that current ordinances do not specifically address tennis/sports courts, batting cages, or other similar amenities. Mr. Dunlap stated in February and March of 2009, that the commission and town council amended the accessory building ordinance by removing swimming pools and tennis courts as accessory uses, as well as not counting them toward the total square footage requirements for accessory buildings. Mr. Dunlap stated this has left some items such as setbacks, fencing, lighting, etc., without set specifications. Mr. Dunlap stated that the town staff is asking the commission to provide feedback and direction on these issues.

Commissioner Powell asked if the staff had looked at other cities. Mr. Dunlap responded no.

Commissioner Northcutt asked about HOA covenants within each subdivision. Mr. Dunlap responded that the town cannot exempt HOA covenants and that if the town does allow something, but the HOA does not, then the HOA could be the prevailing guide.

Vice Chairman Hendricks stated that it seems that town staff is asking for direction on the following items: Lights, including pole height restrictions,

surfaces including location of and ratio of land, setbacks, and fences including types, whether or not these items would be allowed or not within certain zoning districts, and times of operation.

Mr. Godwin stated that as the town becomes dense, this can become a problem. Mr. Godwin stated that you can control some issues, but not all, and the town staff is seeking feedback regarding whether the town needs restrictions on these types of structures.

The consensus of the commission was to request staff to research other similar towns to provide some general guidelines regarding, but not limited to setbacks, fencing, lighting and landscaping.

3. Discussion regarding a six lot subdivision.

Mr. Wilbourn introduced this item stating that town staff has had a request regarding a proposed six lot equestrian themed subdivision. Mr. Wilbourn stated that the subject area is currently zoned Planned Center (PC) and contains one existing home.

Deric Salser, architect, representing the property owner, stated that they would like to receive feedback from the commission regarding a six lot subdivision they've designed that they believe is unique, aesthetically pleasing, and low in density. Mr. Salser stated that the lots will each have enough acreage to build a small horse stable on each lot or there is a horse stable big enough for six horses that currently exist on the property that they could use. Mr. Salser stated that there will be one entrance and this subdivision will not be a gated community. Mr. Salser stated that they are thinking of naming the subdivision Saddle View Creek and the street they've added down the middle of the subdivision to be named Saddle View Court or Road.

Commissioner Supan asked if the applicant has thought about the school traffic.

Commissioner Northcutt asked about the drainage and water line easement with NTMWD. Mr. Chancellor responded that there is an existing 24" line that they have no plans to get rid of and that there needs to be a larger line, but not sure of what route they will choose.

Commissioner Powell asked if any of the area was in the flood plain and where will they ride the horses. Mr. Chancellor responded that the area is not within the flood plain and the lots drain back to the creek naturally.

The commissioners liked the idea and the consensus was to allow the applicant to move forward with the project.

4. Conduct a public hearing and take action regarding an ordinance regulating oil and gas drilling.

Mr. Schmidt introduced this item stating that the likelihood of well drilling to occur in Fairview is small due to the lack of accessible oil or gas reserves in Collin County. Mr. Schmidt stated that the proposed ordinance would protect the town against potential future drilling and production activities. Mr. Schmidt stated that the ordinance would be added to the zoning ordinance as a separate article and it would also require amendments to the Conditional Use Permit (CUP) Zoning District ordinance and the miscellaneous fees section of the town's fee schedule. Mr. Schmidt stated that the ordinance would create a permitting process that would impose site plan review requirements, performance standards, substantial administrative fees, and public hearing requirements upon any potential applicant.

Commissioner Northcutt asked if the tree preservation was consistent with the current town ordinance and if the fees were considered high. Mr. Schmidt responded that the tree preservation is consistent and the fees are not the highest comparable to some other cities, but they are not the lowest either. Mr. Schmidt stated the fees do sway to the higher end.

Vice Chairman Hendricks opened the public hearing.

Mr. David Adams, 110 Wimblington Court, Southlake, TX, stated that he is moving to Fairview from the Southlake area where this activity has been occurring and has been very vicious. Mr. Adams stated he commends the town on being proactive with this issue and offered to help the town since he served on a committee in Southlake pertaining to this item.

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

Commissioner Northcutt asked about the insurance bond requirements. Mr. Schmidt stated that the requirements are very high and the coverage minimum is fifty million dollars.

Commissioner Powell made a motion to approve an ordinance regulating gas and oil well drilling and production, amending the Conditional Use Permit Zoning District, and amending the miscellaneous fees section of the town's fee schedule. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

5. Discussion regarding possible locations for telecommunication towers.

Mr. Wilbourn introduced this item stating that he has met with the Technology Committee and they would like to establish telecommunication towers within the town by adding this to the Comprehensive Plan. Mr. Wilbourn stated that there are currently no designated areas within Fairview that specify where someone can or cannot install a telecommunication tower, which opens up the possibility of one going in a less than desirable location. Mr. Wilbourn asked for feedback from the commission regarding the possible locations for new towers and locations of existing towers.

Commissioner Flood stated that she doesn't see any issues with using the locations that the Technology Committee have recommended.

Commissioner Northcutt asked if there were a number of towers specifically needed for growth since there are currently three. Commissioner Northcutt added that he is not keen on one being by the Heard museum and would prefer to see them closer to the commercial areas. Commissioner Supan agreed with Commissioner Northcutt by keeping the towers away from residential areas if possible. Vice Chairman Hendricks also agreed with this statement.

The consensus of the commission was to move forward with identifying locations for new towers and locations of existing telecommunication towers within the town's Comprehensive Plan.

6. Consider and take action regarding amending the Site Plan for Summer Hill Farms.

Mr. Wilbourn introduced this item stating that the Summer Hill Farms HOA would like to amend the Site Plan due to a dilapidated fence that is beyond repair and they are requesting that the fence be removed. Mr. Wilbourn stated that there is an existing tree line along the fence, as well as a berm that could improve the aesthetics of the area. Also, that this issue may become moot in 2012 if the NTMWD water line is installed as shown in their plans. The fence would need to be removed due to the water line.

Commissioner Powell made a motion to approve the amendment of the Summer Hill Farms Site Plan to allow for the removal of the three rail fence along FM 1378. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

7. Discussion regarding garage sale regulations.

Mr. Wilbourn introduced this item stating that the town currently has no regulations in regard to garage sales. Mr. Wilbourn stated that the only town regulations are currently on other kinds of signs. Mr. Wilbourn stated that most surrounding cities require a permit to be issued as well as a few requiring a fee and amount of times per year they are allowed to conduct their garage sale. Mr. Wilbourn stated that the staff is requesting feedback regarding if it would be worthwhile to draft an ordinance regulating garage sales and if so, what should be included.

Commissioner Supan asked if the town was having a problem and if not it seems that there should be no reason to change anything.

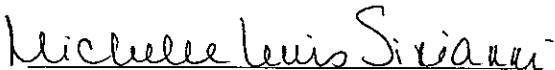
Commissioner Powell asked about the property at Highway 5 and Frisco Road, and thought this was in the commercial district. Commissioner Northcutt stated that he could see the possibility of having guidelines, but no restrictions. Chairman Hendricks stated that if it's not broke, then don't fix it.

The consensus of the commission was to leave as is with no regulations in regard to garage sales.

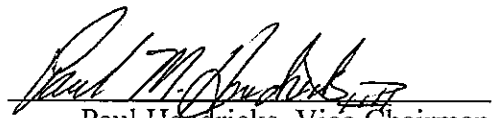
8. Adjourn.

Chairman Campbell adjourned the meeting at 8:23 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Paul Hendricks, Vice Chairman
Planning and Zoning Commission