

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, DECEMBER 8, 2011**

Alan Efrussy, Planning Director called the meeting to order at 7:07 p.m. Commission members present were Tom Supan, Ricardo Doi, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Management Intern, Jon Skuta, and Town Secretary, Michelle Lewis Sirianni. Commissioners Brayton Campbell and Paul Hendricks were absent.

Mr. Efrussy requested that the commissioners elect an acting chair person since Chairman Campbell and Vice Chairman Hendricks were both absent.

Commissioners elected Commissioner Powell to serve as acting chair.

1. Consider and take action regarding the minutes of the November 10, 2011 Planning and Zoning Commission meeting.

Mr. Wilbourn stated that he would like to discuss the minutes from the last meeting regarding telecommunication towers. Mr. Wilbourn stated that he wanted to make sure that the commission understood the town currently has an ordinance regarding telecommunication towers that describes the zoning districts where towers are allowed. Mr. Wilbourn added that the Technology Committee is looking at specific locations to place the towers and antennas rather than just looking broadly at zones. Mr. Wilbourn stated that the initiative put forth by the Technology Committee serves the purpose of providing the best service possible to the citizens while also being site specific to better protect the town.

Commissioner Doi stated that he understood that the town had an ordinance and was looking at specific sites. The remaining commissioners were also in agreement and understood that there is already an ordinance in place and the Technology Committee's initiative is looking at specific sites.

Commissioner Northcutt stated he gave corrections prior to the meeting.

Commissioner Northcutt made a motion to approve the minutes as amended from the November 10, 2011 meeting. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 2. Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, comprised of .811± acres, .381± proposed to be zoned Open Space and Flood Hazard Zone (FH), and .430± acres proposed to be zoned One-Acre Ranch Estate (RE-1) generally located west of Country Club Road (FM 1378), east of Cottonwood Place, north of Farmstead Street, and south of Camino Real. (NOTE: At this time, town staff is recommending tabling this item.)**

Mr. Skuta introduced this item stating that after the agenda was posted, the staff met with Mr. Bailey, the property owner. Mr. Skuta stated that there are some technical details to work out and staff is recommending tabling this item until they have time to address them in conjunction with Mr. Bailey.

Commissioner Doi made a motion to table the zoning of property that is annexed but unzoned, comprised of .811± acres, .381± proposed to be zoned Open Space and Flood Hazard Zone (FH), and .430± acres proposed to be zoned One-Acre Ranch Estate (RE-1) generally located west of Country Club Road (FM 1378), east of Cottonwood Place, north of Farmstead Street, and south of Camino Real. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 3. Discussion regarding sports courts, batting cages, and similar structures.**

Mr. Dunlap introduced this item stating that in 2009, an ordinance was passed that removed tennis courts as an accessory use, thus eliminating the need to go through the conditional use permit process. Since then, this has created some unintended consequences and has brought cases before the Zoning Board of Adjustment both dealing with fence height and materials. Mr. Dunlap stated that there is not a great deal of regulation he could find within other cities, but he was able to find a few from the City of Southlake and Sunnyvale.

Mr. Dunlap stated that the City of Southlake allows sports courts in all zoning districts, setbacks are determined by fence height and there are no lighting regulations, while Sunnyvale allows sports in all zoning districts, but with a 20 foot setback, a 12 foot maximum fence height and lighting by permit only. Mr. Dunlap added the normal size of tennis courts and basketball courts are larger than the minimum primary residence size or the maximum total accessory square footage allowed in any zoning district in Fairview. Also, the town's zoning limits the total ground coverage of all buildings and impervious surfaces in the RE-1 zoning and greater districts to 25% of the total lot size. Mr. Dunlap stated that sports courts should have a permitting process that includes an application, plan review, and fees required for each process. Mr. Dunlap stated that issues that town staff believe should be addressed are which zoning districts they would be allowed, to permit or not, potential commercial-oriented use, setbacks, court

color, fence height, fence materials, fence color, landscape screening, lighting and times of use.

Mr. Dunlap added that due to the temporary and portable nature of batting cages, it is staff's recommendation that the commission consider not establishing a permit process for batting cages, but consider establishing setbacks that are consistent with the accessory building setbacks in the zoning district and that netting be established as the appropriate fencing for batting cages.

Commissioner Doi asked that since batting cages are temporary, should they identify a specific duration. Mr. Dunlap responded no since they are not permitted and that would be hard to enforce.

Commissioner Northcutt asked if the Planned Center Zone (PC) was also included within the zoning districts for the sports courts and if the CPDD and/or apartment areas as well as parks are being taken into account. Mr. Efrussy responded that it's important to allow for as many possibilities and can consider certain zoning sizes, but minimum one acre zoning would be an option since the RE-1 zoning district is the lowest density single-family district in Fairview. Mr. Skuta added that out of the residences in Fairview with tennis courts, the lowest lot size with a tennis court is one and one-half acres (RE-1.5).

Commissioner Supan stated that to place a tennis court on a one acre lot and to be aesthetically pleasing would be really large and impractical and if lighting is not allowed, then he doesn't believe that a tennis court is worth using. Mr. Chancellor commented that the commissioners could place a maximum foot candle lighting requirement within the restrictions. Mr. Chancellor stated that for comparison, Macy's has four foot candles, but for recreation purposes you could reduce down to two foot candles. Mr. Skuta stated that many of the tennis courts within town have large amounts of landscaping that helps reduce the impact of the lights. Commissioner Supan commented that he'd like to see the comparison that was done with the Village Beach with the lighting and time frame.

Commissioner Flood commented that they should also take into consideration the long skinny lots that are narrow, but wide. Commissioner Northcutt commented that the fence height could dictate the setbacks.

Mr. Dunlap stated that any appeal could be done through the conditional use permit process so that the Planning and Zoning Commission and the Council would be able to see and interpret any submittals. Mr. Dunlap stated that this would then require a pre-application meeting, an application, fees, public hearing process as well as notifying surrounding property owners.

Commissioner Powell asked if the primary versus accessory setbacks were the same or different. Mr. Efrussy responded that sports courts represent a different type of accessory use and a separate set of requirements can be created such as the location being behind the primary structure and not in the front yard, which is currently a requirement for accessory uses.

The commission members discussed the following items and made the following recommendations:

1. Agreed that sports courts were permitted in only RE-1 zoning or greater as well as AG, and PC and PD zones.
2. Agreed a permit is required.
3. Agreed that any commercial-oriented use is a prohibited use.
4. Agreed that the setbacks would be the same as the primary structure.
5. Agreed that the court color would be in earth tone colors only.
6. Agreed that the fence height would have a maximum of 10 feet at the ends with that height extending no more than 30 feet down the sides, towards the middle, preferably sloping to the final height, which should be a maximum of 4 feet.
7. Agreed that the fence material will be hard plastic or vinyl, lattice in design or vinyl chain link and green or black in color.
8. Agreed that the sports courts will have landscaping with evergreen plantings that covers 100% of the court, with the exception of ingress and egress points.
9. Agreed that lighting is allowed, but no timers and the foot candles and lumens have recommendations made by the town engineer.

4. Adjourn.

Acting Chairman Powell adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary



Renee Powell
Renee Powell, Acting Chairman
Planning and Zoning Commission