MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 12, 2012

Chairman Campbell called the meeting to order at 7:01 p.m. Commission members present were Ricardo Doi, Renee Powell, Paul Hendricks, Brad Northcutt, and Debbie Flood. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Community Development Manager, Ray Dunlap; Management Intern, Jon Skuta, and Town Secretary, Michelle Lewis Sirianni. Commissioner Tom Supan was absent.

1. **Consider and take action regarding the minutes of the December 8, 2011 Planning and Zoning Commission meeting.**

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

   Commissioner Powell made a motion to approve the minutes of the December 8, 2011 meeting as amended. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

2. **Conduct a public hearing and take action regarding sports courts, batting cages, and similar structures.**

   Mr. Dunlap introduced this item stating that staff took the commission's recommendations and has brought back items for consideration. Mr. Dunlap stated per the commission's request, the definition of a driveway has been included to state that it is not considered a sports court.

   Mr. Dunlap stated the recommendations for sports courts from the last meeting were:

   1. Zoning Districts RE-1 through RE-3 and AG could permit by right and all others would require a Conditional Use Permit (CUP).
   2. A permit would be required, which would include a submittal of a Site Plan that included drainage, landscaping, colors, etc. If a fence should be desired, then details including color would need to be submitted.
   3. Prohibits any commercial oriented-uses. The use would be for the family members, guests of the family members, and private trainings for a family member.

4. The setbacks would be the same as the primary structure.
5. The court color would be earth tone colors to match the ground the best as possible.
6. The fence height would be a maximum of 10' at the ends with that height extending no more than 25% down the sides, towards the middle, preferably sloping to the final height, which should be a maximum of 4'.
7. The fence material would be made of a hard plastic or vinyl, lattice in design or vinyl chain link.
8. The fence color would be green or black.
9. The landscape screening would be evergreen plantings covering 100% of the court, with the exception of the ingress and egress point.
10. Lighting by right.

Mr. Dunlap stated that town staff is recommending lighting be by the Conditional Use Permit because it tends to be a contentious issue and neighbors would be notified, which would provide greater flexibility depending on the area and also give the commissioners and ultimately Town Council final approval.

Mr. Dunlap stated for batting cages, that they be by right without a permit being required, setbacks the same as the accessory building setbacks and netting being the preferred material to cover the cage.

Commissioner Hendricks asked if a resident had an unorganized church function at their house, would they still be allowed to have activities on the sport court. Mr. Dunlap responded that if it would be a formal and/or structured event, then no, but if a game happened to break out, then yes, it's allowed. Commissioner Northcutt asked if teaching lessons were permitted. Mr. Dunlap responded if they are brought in for a private lesson for someone who lives at the residence, then yes, but if it's for lessons for individuals that do not reside at the residence, then no it is not permitted.

Commissioner Northcutt asked if it was better to have and/or use a natural tone for the fence versus black or green. Commissioner Flood suggested a brown tone for vinyl fence coloring.

Commissioner Hendricks asked why batting cages were excluded from needing a permit. Commissioner Hendricks asked what if it was a pitching machine with a light on it and he believes that there should be a permit required in this case. Commissioner Hendricks asked if resident requested lights for a batting cage, would this require a permit. Commissioner Doi commented that he has no issue in requiring a permit if lights are requested.

Chairman Campbell asked if there are any tennis courts after 2009 that would be grandfathered or if they are already built and in use do they become a legal non-conforming use. Mr. Efrussy responded that legal consultation may be required, but it is his understanding that they would become a legal non-conforming use.

Commissioner Doi asked if 100% screening was required at the time of planting or was there a time-frame to have screening completed. Commissioner Northcutt asked what if the yard/land was already covered with trees and couldn't be seen by neighbors. Mr. Efrussy responded that they can create language for landscape flexibility since the maturity of species may vary. Commissioner Doi requested that the ordinance still have a mechanism to allow additional landscaping if needed and believes the landscaping should be approved by staff. Chairman Campbell agreed with Commissioner Doi.

Commissioners discussed the landscaping and its coverage depending on size of the fence and/or no fence.

Chairman Campbell opened the public hearing.

Garrett Lacara, 380 Forest Oaks Court, stated that ivy has been the best landscape coverage he has seen, but takes time to mature depending on the environment. Mr. Lacara stated that he has seen several properties with berms, which provides more sound and sight barrier. Mr. Lacara commented that if natural color tones are a preference, then we should also consider gray and brown for fence colors. Mr. Lacara stated that the idea and/or intent are in place and should leave control to the Planning Department.

Neal Dandona, 411 Palomino Way, asked about screening particularly the side that would face the primary structure. Dr. Dandona requested that language be improved depending on how the sports court sits on the property. Dr. Dandona stated that he believes that the use of lighting should be by right and the commissioners should have a base line that is acceptable as a built in safeguard.

John Johnson, 441 Palomino Way, stated that the size of the sports courts should determine if the sport court should be by right or need a Conditional Use Permit. Mr. Johnson stated that his concerns include the25% of impervious surface, the elevation of the court and if grade needs to be discussed, setbacks, and lights, which he believes do not belong within a neighborhood, but if they end up being allowed, then there needs to be a height restriction, and dedicated hours of operation. Mr. Johnson stated that the screening of the court needs to be not just from the street, but from other properties and is concerned with maximum 10' requirement. Mr. Johnson asked for clarification on how the fence would be measured, whether it would be from the ground or slab. Mr. Johnson requested that the staff update and bring back recommendations to the Planning and Zoning Commission prior to council.

Dean Voight, 1711 Ashcroft, stated that he believes lights should be allowed since a third of the year it gets dark early. Mr. Voight stated that a time frame could be established on how long lights can stay on. Mr. Voight stated that he is in favor of residents using their property as they wish.

Marlo Ballard, 130 Horseshoe Bend, stated that she is also in favor of using their property as they wish and in favor of lighting if within reasonable operation hours.

Delores King, 950 Patrician Court, stated that she serves on the Architectural review Committee for her HOA board and is also a realtor. Ms. King stated that there are various lot sizes within Oakwood and knows of at least three sports courts within her neighborhood. Ms. King stated that they should be allowed and they don't seem to bother her neighbors. Ms. King suggested that the screening be from the street and sides, but not visible as to allow homeowners to watch activity that may be taking place.

Cindy Keil, 890 Quail Rise, stated that they chose Fairview for the open lots and supports the sports courts idea with the landscaping.

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

Commissioner Northcutt suggested that lighting be by right with the standards placed within the ordinance. Mr. Dunlap commented that per the town engineer, it is recommended that the recreational sports courts have a maximum pole height of 20 ft. and maximum candle foot height of 10 ft. and have no bleeding past the property line.

Chairman Campbell commented that it is difficult to write an ordinance to cover everyone and all scenarios. Therefore, he suggests that a Conditional Use Permit be used. Commissioner Powell stated that she is okay with the sports courts being by right with town staff reviewing landscaping.

Commissioner Hendricks stated that the town does have the dark skies ordinance, which he believes as long as the neighbors are not disturbed, and then he is okay with lighting. Commissioner Hendricks stated that he likes the use of the Conditional Use Permit so that neighbors know what's going on within their surroundings. Commissioner Hendricks also questions whether there needs to be a distinction between a small and large sports court.

Commissioner Flood stated that she likes the idea of using the Conditional Use Permit, which would place the responsibility back on the homeowner. Commissioner Flood also agreed that maybe there needs to be a size distinction of the sports courts.

Commissioner Northcutt stated that he is okay with town staff reviewing landscaping and screening, but believes that if a Conditional Use Permit is used for the lighting that the lighting plans be submitted and reviewed as part of the sports court plan and be done all at the same time.

Commissioners agreed on the following:

1. Zoning Districts RE-1 through RE-3 and AG could permit sports court by right and all other zoning districts would require a Conditional Use Permit (CUP).

2. A permit would be required, which would include a submittal of a site plan that included drainage, landscaping, colors, etc. If a fence should be desired, than details including color would need to be submitted.

3. Prohibits any commercial oriented-uses. The use would be for the family members, guests of the family members, and private trainings for a family member. The setbacks would be the same as the primary structure.

4. The sports court setbacks will be the same as the primary structure.

5. The court color would be approved by town staff.

6. The fence height would be a maximum of 10' at the ends with that height extending no more than 25% down the sides, towards the middle, preferably sloping to the final height, which should be a maximum of 4'.

7. The fence material would be made of a hard plastic or vinyl, lattice in design or vinyl chain link.

8. The fence color would be green, black or brown, subject to staff approval.

9. The landscape screening would be evergreen plantings screening away from properties and public streets, subject to staff approval.

10. The lighting would require a Conditional Use Permit.

The commissioners also agreed that batting cages would have the same setbacks as accessory uses per zoning district; if lighting was desired, a Conditional Use Permit would be required; and, if a permanent or non-portable fence was desired, then the applicant would adhere to the screening requirements for a sports court.

Commissioner Doi made a motion to approve the sports courts and batting cages as outlined above. Commissioner Flood seconded that motion and the motion was unanimously approved.

3. **Adjourn.**

Chairman Campbell adjourned the meeting at 9:19 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Town Secretary

Brayton Campbell, Chairman
Planning and Zoning Commission