

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, APRIL 12, 2012**

Chairman Campbell called the meeting to order at 7:05 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; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioner Tom Supan was absent.

1. Consider and take action regarding the minutes of the March 8, 2012 Planning and Zoning Commission meeting.

Commissioner Powell stated that she called in one correction prior to the meeting.

Commissioner Northcutt made a motion to approve the minutes of the March 8, 2012 Planning and Zoning Commission meeting. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the development of a sports court (tennis court) to be located at 760 Stallion Drive.

Mr. Wilbourn introduced this item stating that the subject property is zoned RE-1 and currently includes a primary structure and a swimming pool with a deck. Mr. Wilbourn stated that the applicant is requesting to construct a 35'x70' sports court. The applicant wishes to have no lights or fencing around the proposed sports court and has verbally indicated as well and has placed on the Site Plan that landscaping will be used to soften the view of the tennis court. Mr. Wilbourn stated that the applicant submitted a packet containing an impervious surface form, a letter from the applicant, an example of the proposed cement color shade, and a letter from a neighbor. Mr. Wilbourn stated that the applicant is requesting one variance to allow for an impervious surface coverage of 28.5 percent. This exceeds the town's twenty-five percent impervious surface maximum as set forth in the town's Code of Ordinances by 3.5 percent. Mr. Wilbourn stated that staff received no inquiries regarding the CUP request. Mr. Wilbourn stated that town staff has reviewed this project and does not support the approval of the CUP request made. It is the opinion of town staff that the twenty-five percent impervious surface maximum should be adhered to and that by allowing the applicant to exceed the town's maximum would be creating a precedent, which

could have an adverse impact on subdivisions across the entire town. Mr. Wilbourn stated that it could impact the water drainage on surrounding properties as well as promote a decrease in the openness of the lots in our community. Mr. Wilbourn stated that if the commission wishes to grant approval then staff is recommending additional landscaping on the north and south sides of the sports court to help screen it from future neighbors. Mr. Wilbourn stated the staff recommends denial of the Conditional Use Permit and the one variance request for the proposed sports court (tennis court), as submitted in the Site Plan dated April 4, 2012.

Commissioner Doi stated in regard to drainage he sees that there is a 30' rear easement on the subject lot and asked if this is the same for all lots on Stallion Drive. Mr. Chancellor responded that there is a 30' easement that has lot to lot drainage in the rear of his property. Commissioner Doi also asked if the applicant wanted lights since the letter indicates that lights are being requested, but that it was indicated in their memo that no lights will be installed. Mr. Smith, applicant and owner, responded that initially the applicants did request lights, but after learning of the Dark Sky Ordinance, the lights were removed. Commissioner Doi asked who fills out the impervious surface form. Mr. Wilbourn responded that the builder filled out this one. Commissioner Doi requested staff to consider either a surveyor or engineer sign off on these.

Commissioner Powell asked what the minimum playing size of a tennis court was. Mr. Smith responded that the size requested (35'x70') is not regulation size, but reducing it any further would not be worth it.

Chairman Campbell asked if there were any reasons that the applicant(s) didn't check in advance to see if any modifications could've been done prior to the initial request, especially if it something they'd like to have. The applicants indicated that they did not check this.

Chairman Campbell opened the public hearing. Abe Smith, 760 Stallion, responded that he didn't know of the impervious surface requirement and that if he would've know of this requirement, he would've taken away other things they've built including part of the circular driveway and part of the pool deck. Mr. Smith stated that a regulation court size is 60'x106' and narrowed down the size to a minimum on his property. Mr. Smith added that they plan on adding additional landscaping that will be evergreen and full, but also cost effective. Mr. Smith stated that they are open for suggestions.

Commissioner Northcutt asked what layout they will use since there will be no fencing. Mr. Wilbourn responded that they will landscape with trees to keep it as low profile as possible.

Commissioner Hendricks stated that he is on the edge regarding the project. Commissioner Hendricks stated his concern is about setting precedence. Commissioner Hendricks asked if it was possible to make the court any smaller or use a more porous surface to help absorb any water. Mr. Smith responded that

they have scaled the size of the court down already and making it even smaller would not be worth having it and in regard to the surface, the cost of installing a porous surface is very expensive and they looked at other court surfaces, but they are not cost effective. Commissioner Hendricks asked if they have looked at any other areas that could be modified and that he would certainly entertain another concept.

Commissioner Doi asked that if the applicant removed part of the circular drive, could they have enough space. Mr. Smith responded that making any modifications would come down to a financial standpoint and if it was worth changing.

Mike Jarvis, 780 Stallion, stated that he lives two lots down on the same side of the street and that the lot drainage runs rear to the front and doesn't seem to be a problem. Mr. Jarvis stated that he doesn't see the drainage as a problem and in his opinion, the court will blend in and be out of view from the street and that the applicants will still have plenty of room around them.

Charles Greenwood, resident, stated that the lots in this subdivision are large with trees to protect it, so he is in favor of the project.

Chairman Campbell closed the public hearing and asked the commission for any additional comments or concerns.

Commissioner Doi stated that his concern is the impervious surface requirement. Commissioner Hendricks stated that he'd like to see the applicant stay within the code and look at other options. Commissioner Northcutt asked in the last few years, have there ever been any exceptions. Mr. Wilbourn responded that there has never been an issue in a negative way or any issue brought to staff.

Commissioner Hendricks made a motion to deny without prejudice a Conditional Use Permit (CUP) for the development of a sports court (tennis court) to be located at 760 Stallion Drive. Commissioner Doi seconded that motion and the motion was unanimously approved.

3. Conduct a public hearing and take action regarding a Concept Plan for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.

Mr. Efrussy introduced this item stating that the proposed center will be located south of town hall. Mr. Efrussy stated that Mr. Bowser, the developer, desires to have this facility constructed and operational by December, 2012. Therefore, staff is presently in the process of reviewing documents and that the concept plan was not part of a complete submission. However, to assist in meeting the developer's goal to open at the end of this year, the town staff, in conjunction

with the EDC/CDC, the commission, and town council, are in the process of expediting the development review procedure. We want to expedite the development procedure while simultaneously meeting required administrative and development procedures. Mr. Efrussy stated that town staff is recommending approving the Concept Plan conditioned upon further review and recommendation based on a complete project submittal from the developer and to leave the public hearing open for additional citizen input at the public hearing at the next commission meeting to be held April 26, 2012.

Chairman Campbell opened the public hearing.

Bill Bowser, developer for the project, provided a brief overview for the commissioner's who were not in attendance at the joint meeting held earlier this week. Mr. Bowser stated that they viewed color samples and exterior elevations. Mr. Bowser stated that the exterior is primarily 72% brick and maximum height will be 23-24' high and 18.5' on the lower side. Mr. Bowser stated that elements from the Village at Fairview and Town Hall are being used to be incorporated into the building.

Commissioner Northcutt asked if the lighting is mission style or more similar to the handout. Mr. Bowser responded it will be similar to the handout, which is a progress-Ashmore style and will follow Town Ordinances.

Commissioner Hendricks asked how food and beverage is handled since there are no kitchens on the plan. Mr. Bowser responded that there are food preparation areas, but not full service kitchens. The food preparation areas include refrigerators, ice machines, and stainless steel counters. Commissioner Hendricks asked if the traffic flow has been assessed since there will be entities bringing food in and out of this area. Mr. Bowser replied that 95% of the events will have less than 250 people and use local catering, which typically is brought in a van, and they have not experienced any problems to date. Commissioner Hendricks asked what the maximum occupancy is and how is parking being addressed. Mr. Bowser replied there is usually nothing over 300 and they are currently working with town staff to formalize the parking. Mr. Bowser commented that they have done internal parking studies and usually it's the 97 to 3 rule. Chairman Campbell asked if they will use the JC Penny parking lot as overflow and how are they differentiating themselves from other similar centers. Mr. Bowser replied that their conference centers are set up as extensions of homes or businesses. They like the space to resemble more like home by using crown molding, and hardwood floors. They also target to more friends and family events.

Commissioner Doi asked how the space is designed and its affordability. Mr. Bowser responded that their Las Colinas facility is slightly larger, but for a twelve hour timeframe for the whole building for the day, would cost \$6400, which includes set up and take down, linens, etc. Mr. Bowser added that they will partner with local flower shops and businesses to use within the facility. Mr. Bowser stated that they are very conscious of the market and budgets that people request and feel that they are competitive. Commissioner Doi asked if the center

would be competitive with places like the Marriot. Mr. Bowser responded 'yes'. Mr. Bowser stated that the center is not corporate focused like most places; they focus on friends and family atmospheres.

Chairman Campbell left the public hearing open.

Commissioner Doi made a motion to approve the Concept Plan for Noah's of Fairview conference center, conditioned upon further staff review and recommendation based on a complete project submittal from the developer and to keep the public hearing open and to be held again on April 26, 2012. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 4. Conduct a public hearing and take action regarding a Site Plan for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.**

Mr. Efrussy stated that the same comments apply and staff's recommendation is the same for the Site Plan, which is to approve the Site Plan for Noah's of Fairview conference center, conditioned upon further staff review and recommendation based on a complete project submittal from the developer and to keep the public hearing open and to be held again on April 26, 2012.

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

Chairman Campbell opened discussion to commission members. No additional comments were made.

Commissioner Doi made a motion to approve the Site Plan for Noah's of Fairview conference center, conditioned upon further staff review and recommendation based on a complete project submittal from the developer and to keep the public hearing open and to be held again on April 26, 2012. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 5. Conduct a public hearing and take action regarding a Replat for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K.**

Mr. Efrussy introduced this item stating that the next element in the planning process is the replat. Mr. Efrussy stated that Mr. Bowser retained Mr. Riley, P.E., who aided in engineering the Village at Fairview site, whom is in the process of creating a replat to submit for the April 26th commission meeting. Mr. Efrussy stated that town staff recommends approval conditioned upon further staff review and recommendation based on a complete project submittal from the developer, and continuing the public hearing on April 26, 2012.

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

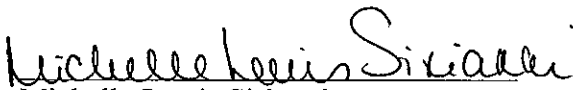
Chairman Campbell opened discussion to commission members. Commissioner Northcutt asked if the boundary is not yet outlined, will the commissioners get to view it. Mr. Efrussy responded that he intends to have the plat for the April 26, 2012 commission meeting. Commissioner Doi asked if the replat is being brought forward to expedite the process and if it meets administrative requirements, then it must be approved. Mr. Efrussy commented that that is correct: if a plat meets a municipality's requirement, it has to be approved.

Commissioner Doi made a motion to table the replat for a conference center located east of Watertower Way, north of Southwind Lane, west of South State Highway 5, and south of Indian Springs Road within the Commercial Planned Development District (CPDD), subzone K to a date certain of April 26, 2012. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

6. Adjourn.

Chairman Campbell adjourned the meeting at 8:47p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Brayton Campbell, Chairman
Planning and Zoning Commission