

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MAY 10, 2012**

Chairman Campbell called the meeting to order at 7:01 p.m. Commission members present were Tom Supan, 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; Special Projects Coordinator, Ken Schmidt; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni.

1. Consider and take action regarding the minutes of the April 12, 2012 Planning and Zoning Commission meeting.

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

Commissioner Hendricks asked the town secretary to review the recordings from this meeting regarding the motions for items three and four. Commissioner Hendricks commented that he doesn't recall using the word 'approve' and thought no formal action was taken on these items. Mr. Efrussy responded that the motion was to keep the public hearing open until April 26, 2012 with conditions of further review of the project by town staff, but that staff would review and make any necessary changes based off the recordings.

Commissioner Doi made a motion to approve the minutes of the April 12, 2012 Planning and Zoning Commission meeting with the corrections and recommendations made the Commissioner Hendricks. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing and take action regarding a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of three- 2.0 acre lots, and five- 1.5 acre lots, and twelve- 1.0 acre lots. This subject property consists of 33.28 acres, is generally located west of Orr Road, south of and adjacent to Stacy Road, east of Country Club Road, and north of the Thompson Springs Subdivision. The property is currently zoned Two-Acre Ranch Estate Zone (RE-2).

Mr. Schmidt introduced this item stating that this subject property consists of 33.28 acres of land and is currently zoned Two-Acre Ranch Estate Zone (RE-2). Mr. Schmidt stated that the proposed Planned Center (PC) zoning for this property would create a subdivision with a mix of three Residential Estate

Country lots that are two acres in size and 17 Residential Estate lots that range from 1.0-1.5 acres in size, and additionally would have two lots dedicated to floodplain, parkland, and open spaces uses. Mr. Schmidt stated that this proposal conflicts with the vision, goals, and objectives of the town's comprehensive plan. Mr. Schmidt stated that if this development project is approved, it would establish a precedent that may impact future development proposals. Mr. Schmidt stated that the lot layout proposed will require the developer to remove a substantial portion of the existing trees in order to facilitate construction and the developer will be limited with the one acre lots in that the position of the house will affect the existing landscape while still also trying to maintain the appropriate setbacks for the proposed land uses. Mr. Schmidt indicated that staff identified emergency access issues and requested that the developer acquire an emergency access easement on adjacent property to the west of the proposed subdivision, as well as potential line-of-sight issues at the development entryway. Mr. Schmidt stated that the developer proposes to preserve and complement the existing pond and wetlands by funding a walking trail and other amenities as part of the park land dedication requirements. Mr. Schmidt stated that town staff is recommending denial without prejudice, but if the Planning and Zoning Commission elects to approve this proposal, then staff recommends that all requirements of the Development Plan for the PC zone be submitted to staff, with review and recommendation to the commission.

Commissioner Northcutt asked if they knew what kind of trees were on the subject property and if the fire marshal requires two entrances or is it a town requirement and commented that Willow Point subdivision only has one entrance. Mr. Schmidt stated that no tree survey was submitted; therefore, he does not know the specifics on the trees. Mr. Chancellor responded that sometimes geographically it does not allow a subdivision to have two entrances, but would then widen the roads to allow for emergency access, but where it does allow, they will require two entrances. Commissioner Northcutt asked what the width of the streets was within the Willow Point subdivision. Mr. Chancellor responded that the streets are 30' wide.

Chairman Campbell asked about the proposed second entrance to the subdivision and if the town can control one that is shared with another property owner. Mr. Chancellor stated that with an access easement the town can, but without one the town cannot. Mr. Chancellor stated that the applicant has agreed to make some road improvements plus acquire part of the easement from the property owner.

Tommy Thompson, 501 Lakewood, the applicant, stated that the property he'd like to develop is across from the fruit stand and has a real beauty to the property, but is also problematic. Mr. Thompson stated that he has spoken with the owner of the Stover property and they are giving him the access easement needed for the road. He has also received letters of support from surrounding neighbors. Mr. Thompson stated the property will provide the opportunity to have a lake, creek, and connectivity to Beaver Run Park. Mr. Thompson stated that due to the uniqueness of the property and the way the topography changes, he is developing around the natural enhancements of the property. Mr. Thompson stated that he

did look at developing with two acre lots, but was only able to get fifteen lots and would have to do away with a lot of the natural beauty of the land including the trees. Mr. Thompson stated that he is asking for five additional lots in return for a community lake and park connectivity/walking trail for the residents.

Mr. Thompson addressed comments made by staff including tree preservation, the emergency access, line of site issues, and density. Mr. Thompson mentioned that the only precedence this project would create is that the town is willing to ignore its vision for residential development east of Hwy 5 and questions the community values set forth within the town's Comprehensive Plan. Chairman Campbell stated that he believes the word precedent in this case is referring to two acre zoning and if you change the zoning, it opens the door for others to ask for less than two acres. Mr. Thompson stated he has gone through the top goals and objectives of the town and believes he is adhering to those and is building an attractive neighborhood even though the acres are not in line with the current RE-2 zoning.

Commissioner Northcutt asked in regards to the fire access easement if the applicant was planning on extending the road or putting down paving stones and if it was concrete, asphalt or grass-crete. Mr. Thompson replied this has not been defined by the fire marshal at this time. Mr. Chancellor stated that this will be defined at the Site Plan level. Mr. Doi and Northcutt would like to see grass-crete used.

The commission discussed the flood plain that is within the proposed subdivision and how it affects the number of lots that can be proposed with the amenities.

Chairman Campbell opened the public hearing. Carl Hoemke, 1801 Stacy Road stated that he is in support of the proposed subdivision and not concerned about the lot sizes, and is in favor of the park connection.

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

Commissioner Hendricks stated that the issue to address is the land use and the two acres versus what the applicant is proposing. Commissioner Hendricks stated that layout is beautiful.

Commissioner Northcutt stated that he also likes the layout better than the 15 two-acre lots and if they are giving up five lots based on topography than there's not many communities left that have the features that the applicant is presenting with the trees, lake, creek, etc. Commissioner Northcutt likes the larger median versus the single road out and is looking at the proposed community as a Planned Center Zone versus zoning the lots one acre.

Commissioner Flood stated that she believes it's a beautiful subdivision and does not find the fifteen two-acre lots to be as nearly as attractive as what's proposed.

Commissioner Powell stated that it is a good lay out, however; the town's vision of this property is to be two or more acres. The further east you go within the town has larger lots and the proposed plan which is majority one acre lots. Commissioner Powell stated that she agrees with the town's land use plan.

Commissioner Doi stated the he agrees with Commissioner Powell and from a simple zoning stand point. Commissioner Doi stated that he is not concerned about the precedence due to the conditions that will be placed on this project including the park dedication, the lake, and preservation of the trees along the creek. Therefore, if another owner requested smaller lots, which would increase density, he would look for the same type of trade-offs. Commissioner Doi stated that they need to look past the pure zoning and look at the alternative with the amenities that are being included.

Commissioner Supan stated that every property is unique with the opportunities and challenges it presents and precedence is set by what makes sense. Commissioner Supan stated that generally speaking he likes the plan and believes it complies with the town's goals and objectives.

Chairman Campbell stated that he agrees that it is a beautiful piece of property, but his biggest concern is what the change in zoning will do to surrounding property owners especially once surrounding lots could be sold in the future and change of ownership occurs. Chairman Campbell stated that his idea of setting precedence regardless of what the dictionary says is to make a decision that others can look to and take advantage of in terms of what others want to do.

Chairman Campbell asked if any kind of traffic study has been done. Mr. Thompson responded 'no'.

Commissioner Hendricks made a motion to approve the Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of three- 2.0 acre lots, and five- 1.5 acre lots, and twelve- 1.0 acre lots subject to and submission of a landscape plan, buffer plan, securing an easement in writing for the emergency access easement as well as tree preservation easement along the creek line, and subject to park board approval. Commissioner Northcutt seconded that motion.

Motion passes with a 5-2 vote.

- 3. Conduct a public hearing and take action regarding a Concept Plan, Site Plan, and Replat for a conference center located east of Watertown 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.**

This item was passed over; therefore, no action was taken.

- 4. Consider and take action regarding a Final Plat and Landscape Plan for 1281 Stacy Road generally located east of Kentucky Lane, north of Stacy Road, west of Pine Valley Court, and south of Farmstead Street. The subject property is comprised of 6.140± acres and is currently zoned Two-Acre Ranch Estate Zone (RE-2). The proposed Final Plat is comprised of two- 2.0 acre lots and one- 2.063 acre lot.**

Mr. Wilbourn introduced this item stating that this subject property is zoned RE-2 and is 6.140± acres in size. Mr. Wilbourn stated that this property is currently unplatted and the applicant wishes to plat the property as three different lots with all lots being two acres in size or larger. Mr. Wilbourn stated that the park board voted to accept money in lieu of land as part of the park dedication requirement. Mr. Wilbourn stated that staff conducted a formal review of both the Final Plat and the Landscape Plan. The Final Plat has met all legal requirements. The Landscape Plan indicates that the existing tree lines on the eastern and northern boundaries of the property will have its gaps filled in with 6' tall photenias, which adequately meets the buffering requirements. Mr. Wilbourn stated that town staff recommends approval of the Final Plat and Landscape Plan as submitted and contingent upon receiving all park dedication monies.

Commissioner Powell made a motion to approve the Final Plat as submitted and dated April 27, 2012, and also the Landscape Plan as submitted and dated May 1, 2012 with the contingency that all park dedication monies are received in full. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 5. Adjourn.**

Chairman Campbell adjourned the meeting at 8:28 p.m.

Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary



Brayton Campbell

Brayton Campbell, Chairman
Planning and Zoning Commission