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

Chairman Campbell called the meeting to order at 8:05 p.m. Commission members present were Pat Friend, Paul Hendricks, Renee Powell, and Brad Northcutt. Staff members present were Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Special Projects Coordinator, Ken Schmidt; Community Development Manager, Ray Dunlap, and Town Secretary, Michelle Lewis Sirianni. Commissioners Ricardo Doi and Debbie Flood were absent.

1. **Consider and take action regarding the minutes of the May 10, 2012 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 May 10, 2012 commission meeting as amended. Commissioner Powell seconded that motion and the motion was unanimously approved.

2. **Consider and take action regarding the minutes of the June 14, 2012 Planning and Zoning Commission meeting.**

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

   Commissioner Powell made a motion to approve the minutes of the June 14, 2012 commission meeting as amended. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

3. **Conduct a public hearing and take action regarding the Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development comprised of 6.264 acres and is generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Road, and west of the Village of Fairview subdivision within the Commercial Planned Development District (CPDD), subzone J.**

   Commissioner Hendricks made a motion to table the Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development comprised of 6.264 acres and is generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Road, and west of the Village of Fairview subdivision within the Commercial Planned Development District (CPDD), subzone J. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

4. **Conduct a public hearing and take action regarding a Conditional Use Permit (CUP) for the completion of construction for a sport court located at 411 Palomino Way within the Bridlegate Subdivision involving the installation of an additional basketball hoop, landscaping, lighting, and a perimeter fence.**

Mr. Wilbourn introduced this item stating that since the process for constructing sports courts has changed, Mr. Dandona is requesting the remaining aspects of his sports court through the CUP process. Mr. Wilbourn stated that there are five conditions being requested within the CUP including dark skies compliant lights on 16' black poles, black vinyl chain link fence, landscaping, basketball goal on the eastern side, and approval to paint the sports court classic green with white lines. Mr. Wilbourn stated that letters of notification were sent out and he has received several emails with twelve in favor, and three voicing concerns and asking questions about the project. Mr. Wilbourn stated that town staff has reviewed the request for an amendment to the CUP and also taken into account the sensitivity of this situation to the subdivision and supports its approval.

Neal Dandona, applicant and owner, stated that this has been a very sensitive issue and it has been over a year since they've started the project. Mr. Dandona stated that he feels like he's done his due diligence. He has reached out to his neighbors to try to appease their requests and he believes he has exceeded what's being requested by his neighbors and town staff. Mr. Dandona stated that in his opinion, it is a conservative plan. He has selected low maintenance and weather hardy landscaping, black vinyl fencing and 16' light poles with lighting that has zero trespassing. Mr. Dandona stated that he also acquired signatures in support of his project and is ready to have the project completed. Mr. Dandona stated that he believes he has presented a plan that is good and works well with the neighborhood.

Commissioner Friend asked if his HOA (home owners association) had approved his plan and if he had been given an approval document from the HOA. Mr. Dandona responded that yes he had.

Commissioner Powell asked if the basketball goals would be in-ground and if so, questioned them being in the way of playing tennis. Mr. Dandona replied that the goal would be in-ground and its placement is feasible for tennis play.

Commissioner Northcutt asked if the lights would be manual or on an inside manual control and if the applicant had thought about the plant size/maturity level for his landscaping. Mr. Dandona responded that he will have three gallon sized plants/shrubs that are five feet in height.

Chairman Campbell opened the public hearing.

John Johnson, 441 Palomino Way, stated that he has been the most vocal opponent and agrees that the project needs to be completed. Mr. Johnson stated that his concerns are the fencing, lighting, setbacks, which affect the septic system, and the fact that it is not a standard court, which presents lots of issues. Mr. Johnson questions the applicant's request and how it compares to the town's code as well as their subdivision's HOA CCR's. Mr. Johnson stated that he would like to see a non-tennis court with no lights and fence and believes the applicant's request just doesn't fit the lot.

Rick Dunham, 151 Horseshoe Bend, stated that as long as the sports court is screened, he is okay with it and would like to see it finished.

Jeff Maxwell, 451 Palomino Way, stated that this project has caused a huge divide in the neighborhood and it is the very first thing you see upon entering the subdivision. Mr. Maxwell stated that his concern is the encroachment it will have onto his fence, the light poles and the size of the fence. Mr. Maxwell stated that it will border the side of his house, which he is strongly opposed to.

Catherine Maxwell, 451 Palomino Way, stated that the project needs to be completed and that they are in a very difficult position since they are neighbors to the Dandona's. Mrs. Maxwell stated that they are against the height of the fence and believes the lights are in a bad location and questions whether less light poles can be used. Mrs. Maxwell believes that the view from the Johnson's property can be preserved as well as aesthetically pleasing. Mrs. Maxwell stated the main concern is the encroachment the landscaping will have into their fence.

Marlo Ballard, 130 Horseshoe Bend, stated that the project needs to be completed and it has brought a divide within the community. Ms. Ballard stated that the applicant has worked hard to accommodate everyone as best as possible and once the sports court is landscaped, it will be okay. Ms. Ballard supports the request.

Helen Dunham, 151 Horseshoe Bend, stated that she believes sports courts enhance property values and that there will be enough privacy as a result of this sports court development. Mrs. Dunham stated that she supports the proposal.

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

Commissioner Powell stated that she likes the LED lights and proposed the question of shortening the fence height.

Commissioner Friend commented that he has played many games of tennis and the fence height needs to be at least ten (10) feet on the ends and proposed a type of wind screen to lessen the impact from the view of the sports court.

Commissioner Northcutt stated that he is pleased with the plan and agreed with Commissioner Friend regarding the wind screening.

Commissioner Hendricks stated that from a zoning perspective, there's no reason not to proceed if the sports court is built as per the plan and is adhered to.

Commissioner Northcutt made a motion to approve the Conditional Use Permit (CUP) for the completion of the sports court as submitted and represented in the applicant packet and Site Plan, which included the conditions that the eastern basketball goal encroach into the setback seven feet, the three northern light poles encroach ten feet into the setback, the sports court fence design, and the sports court color. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

5. Adjourn.

Chairman Campbell adjourned the meeting at 9:44 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Town Secretary

Brayton Campbell, Chairman
Planning and Zoning Commission