

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, DECEMBER 13, 2012**

Chairman Campbell called the meeting to order at 7:02 p.m. Commission members present were Pat Friend, Ricardo Doi, Renee Powell, Brad Northcutt, Paul Hendricks, and Debbie Flood. Staff members present were Senior Planner, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; Community Development Manager, Ray Dunlap; Management Intern, Tara Passini; and Town Secretary, Michelle Lewis Sirianni.

1. Consider and take action regarding the minutes of the November 26, 2012 Planning and Zoning Commission meeting.

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

Commissioner Powell made a motion to approve the minutes of the November 26, 2012 Planning and Zoning Commission meeting as amended. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

2. Conduct a public hearing and take action on a Preliminary Plat for a property that consists of 33.28± acres, and is generally located west of Orr 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 and is annexed. The subject property is currently not platted and contains a small creek, pond, small amount of flood plain, and two abandoned structures, which would be removed. The proposed subdivision will be comprised of 15 single-family lots that are a minimum of two acres in size and one common area lot that will provide for a monument sign and landscaping, to be maintained by the subdivision's HOA. Mr. Schmidt noted that there is currently no existing water utility infrastructure that would be capable of serving the proposed subdivision. As a result, the applicant is proposing to extend the Fairview water system by installing a 12" water main that would link to the existing water infrastructure. The developer has requested town participation in order to finance the cost of upsizing the water line. The subject property also contains a significant amount of trees; therefore, the landscaping will be evaluated further following the completion of a tree survey. Mr. Schmidt indicated in regards to the park conveyance, the applicant will be appearing at the next Parks and Recreation Board meeting to receive their recommendation. The town staff recommends

approval of the Preliminary Plat for the Rolling Hills of Fairview subdivision as submitted.

Mr. Rudy Rivas, 630 Oakmont Court, developer for the proposed subdivision, stated that he is working with the land owner to conform to the town's requirements.

The commission discussed the access easements and drainage issues to the proposed subdivision. There are currently none.

Commissioner Doi asked for clarification on the landscape requirements. Mr. Schmidt responded that the proposed plat currently meets the landscape requirements and it is fully buffered around the property. Commissioner Doi asked what will happen to the existing trees on specific lots. Mr. Schmidt stated that the tree survey will be done with the construction plans and until they have the survey he cannot specify what will happen.

Commissioner Friend asked if there will be public streets. Mr. Schmidt responded that yes they will be open.

Commissioner Doi stated that he supported the initial plan, but need to consider other factors when looking at the density, especially the benefit of a plan if they cannot save the trees.

Commissioner Hendricks made a motion to approve the Preliminary Plat for the Rolling Hills of Fairview subdivision as submitted and dated December 7, 2012. Commissioner Doi seconded that motion and the motion was unanimously approved.

- 3. Conduct a public meeting and take action regarding a Site Plan for the first phase of the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 5.942± acres and is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).**

Mr. Schmidt stated that this subject property consists of 5.942± acres and is annexed. The subject property is located in Zone J of the Commercial Planned Development District (CPDD) and not platted. The property is currently undeveloped; however, there are existing public rights-of-way and water utilities adjacent to the property. This Site Plan is for phase I for the Crossroads development, which will consist of a restaurant use and a mix of professional, personal services, and custom craft uses. The applicant has indicated that a portion of Building "B" has been dedicated to a family-owned coffee shop. Mr.

Schmidt indicated that as new business opportunities arise, the applicant will amend the approved Concept Plan, submit additional Site Plans and Replat the property to accommodate the remaining phases of the development. Mr. Schmidt stated with this submittal, the applicant is requesting several variances. While some of these are within reason, many of these requests, which include key components such as material requirements and colors, fail to meet the requirements and guidelines established in the CPDD zoning.

The town staff has conducted several reviews of the plans. Mr. Schmidt stated that the Lighting Plan fully conforms to the town's "dark skies" ordinance. Mr. Schmidt stated that although the Landscape Plan substantially conforms to the CPDD guidelines, there are several components that are still being addressed. The applicant has also not submitted a Sign Plan. Mr. Schmidt stated that the applicant is aware of the components of the Façade Plan that fail to conform to the CPDD requirements and guidelines for Zone J. A listing of the variance requests made by the applicant, along with staff recommendations was included within their packet. Mr. Schmidt stated based on these factors, staff recommends the following options: to recommend denial of the Site Plan without prejudice, to recommend that the Site Plan be tabled to a date certain, if requested by the applicant, or to recommend approval of the Site Plan conditioned upon the implementation of the Planning and Zoning Commission recommendations and further staff review.

Mr. Bowen, the developer, stated that they understand the issues that staff have pointed out within their plans. As they continue to develop this area, they are taking into account surrounding properties and their façades, landscaping, entrances, etc. so that their development adheres to the town's requirements and guidelines. Mr. Bowen indicated that they did not submit sign plans due to how the roadways will be built out, but will bring back a plan to staff. Mr. Bowen stated that with staff's guidance, he is ready to move forward with the project.

Commissioner Northcutt asked Mr. Bowen if he was okay with using natural stone. Mr. Bowen replied yes he was.

Commissioner Doi commented that he has no issue with using natural stone and he likes seeing the creativity of the building with its design. He likes the roof pitch and is okay with lightening the brick color. Commissioner Doi also indicated that he would like to see the sign plan and has no issues with the encroachment with the parking.

Commissioner Hendricks asked how many businesses they anticipate in this phase. Mr. Bowen replied two to four maybe five.

The consensus of the commissioner's on the following variance request items were as follows:

- Commissioners recommended approval of the easement provided due to the encroachment into the landscape easement.
- Commissioners recommended that the building materials conform to the 90% masonry requirement.
- Commissioners recommended that the building material colors be lighter and work with staff based on their recommendations.
- Commissioners recommended that the roof form submitted is okay and that the color be adjusted to compliment the natural stone.
- Commissioners recommended that for the windows and openings the developer use the awnings to provide for accentuation, and that they vary the elevation of the awnings.
- Commissioners recommended approval of the material patterns that were submitted.
- Commissioners recommended approval of the storefront system as submitted.
- Commissioners recommended the developer submit a sign plan.

Commissioner Doi made a motion to approve the Site Plan for Phase I of the Crossroads conditioned upon the items listed above. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

- 4. Consider and take action on a Final Plat for the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 5.942± acres and is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).**

Mr. Schmidt stated that this Final Plat submittal conforms to the town's subdivision regulations and no additional right-of-way is needed. Town staff has reviewed all documents and recommends approval of this Final Plat conditioned upon Site Plan approval of phase I of this development.

Commissioner Friend made a motion to approve the Final Plat for the Crossroads development conditioned upon Site Plan approval. Commissioner Powell seconded that motion and the motion was unanimously approved.

5. Discussion regarding development policy considerations concerning overall development project density in relation to minimum individual single-family lot sizes and take any necessary action.

Mr. Schmidt stated that there have been proposed Planned Center (PC) developments that have had varied lot sizes in order to preserve tree clusters. The Comprehensive Plan does not allow for units less than an acre. During the past few months the commission and council have met to discuss this item. Both had expressed not wanting to address Bonus Zoning, but rather wanted the town staff to obtain additional information whereby the town council and/or the commission can further evaluate “average density zoning”. The town staff compiled a report addressing this topic by communicating with professional city planners in several Texas municipalities. Mr. Schmidt stated that staff also prepared a list of possible elements that might be included as part of an “average density”, single-family development process. Mr. Schmidt stated that at the November 6th Town Council meeting, their general consensus was that it seemed more appropriate to use the existing Planned Center (PC) and Planned Development (PD) zones versus creating a new zoning district. Staff enclosed a draft Average Density zoning procedure for the commissioners to address and provide feedback with emphasis on the section regarding ‘specific requirements’ outlined within the draft.

Commissioner Northcutt suggested that they not drop below one acre lots. Commissioner Northcutt stated that in his opinion nothing should fall below one acre. The commission agreed.

Commissioner Northcutt commented that the properties surrounding environment should be taken into consideration. Commissioner Powell suggested when the property is considered that she would like to see less housing. Mr. Schmidt stated that a PC or PD is not automatic and specific requirements must be met when one is considered.

Commissioner Doi stated that he would like to see the features of the properties preserved and in his opinion the purpose of the ordinance is a mechanism to allow the town to keep natural elements and/or features; therefore, likes what staff has put together within the draft. Chairman Campbell agreed and commented that the average would conform to how the property is zoned. Commissioner Friend agreed with Commissioner Doi’s statement and added that as long as the density doesn’t increase its original size.

Consensus of the commission was to forward the document to council for continued discussion.

- 6. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will review and discuss the town's tree protection ordinance and take any necessary action.**

Mr. Chancellor stated that the Tree Board can make recommended changes to the town's tree ordinance. Recently, an amendment was approved updating the tree list within the ordinance. If there is a consensus to make any additional changes and/or modifications to the ordinance the board may make these recommendations to the Town Council for their review.

Commissioner Doi commented that his concern was with residential homeowners removing trees from their front yards without permission, and questioned if this fell under the homestead exemption clause.

Commissioner Hendricks asked if this fell under the HOA bylaws. Commissioner Doi commented that theirs tends to have no clout. Mr. Chancellor stated that he can revise the ordinance and bring it back to the commissioners for their review.

Commissioner Hendricks asked who would enforce this issue. He stated that he supports the recommendation, but questions the capacity to enforce it. Commissioner Flood stated that they can enforce the landscape plan(s). Mr. Schmidt confirmed.

Consensus of the commissioners was to have staff revise the tree ordinance to strengthen the town's ability to prevent the removal of trees.

- 7. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will consider and take action regarding the town's annual Tree City USA Recertification Application.**

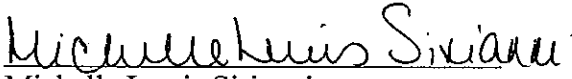
Mrs. Passini stated that the commissioners have met all the qualifications in order to resubmit the town's annual Tree City USA application. The Tree Board met four times within the 2012 calendar year, updated the existing tree ordinance, took part in an Arbor Day event, and contributed \$2.00 per capita to the Stacy Road project with plantings of trees and landscaping. Therefore, staff is recommending approval of this submission.

Commissioner Powell made a motion to approve the submission of the annual Tree City USA recertification application. Commissioner Flood seconded that motion and the motion was unanimously approved.

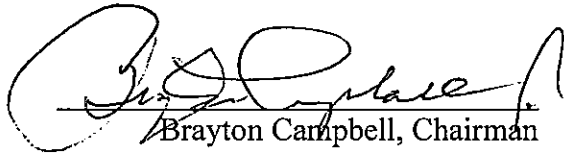
8. Adjourn.

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

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Brayton Campbell, Chairman
Planning and Zoning Commission