

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 10, 2013**

Vice Chairman Hendricks called the meeting to order at 7:00 p.m. Commission members present were Ricardo Doi, Renee Powell, Paul Hendricks, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; Community Development Manager, Ray Dunlap; and Town Secretary, Michelle Lewis Sirianni. Commissioners Pat Friend, Brayton Campbell, and Brad Northcutt were absent.

1. Consider and take action regarding the minutes of the December 13, 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 December 13, 2012 Planning and Zoning Commission meeting as amended. Commissioner Flood seconded that motion and the motion was unanimously approved.

2. ZA2013-01: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 450 Palomino Way, being Lot 8 of the Bridlegate subdivision.

Mr. Schmidt stated that the subject property is 1.002 acres in size and currently zoned One-acre Ranch Estate (RE-1). The property contains one single-family residence with a swimming pool, accessory building, and an approximately 1,000 sq. ft. sports court. Mr. Schmidt stated the property owner, Mrs. Billingsley is requesting a Conditional Use Permit (CU) in order to install a fence that abuts the eastern boundary of the sports court. The actual sports court structure and basketball hoop was installed prior to the establishment of the town's policy of requiring a CUP. The fence was also installed without prior approval of the town. Mr. Schmidt stated the applicant was unaware that she needed a permit, which triggered the process of a CUP. The applicant once notified by the town has been fully cooperative. The applicant has submitted a Site Plan including additional landscaping to screen the structure from adjacent properties.

Mr. Schmidt stated the staff notified surrounding property owners and has received five statements in support. Town staff recommends approval of a Conditional Use Permit (CU) for the installation of sports court fencing at 450 Palomino Way.

Vice Chairman Hendricks opened the public hearing. No comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to the commission members. No additional comments were made.

Commissioner Flood made a motion to approve a Conditional Use Permit (CU) zoning for the installation of sports court fencing at 450 Palomino Way. Commissioner Doi seconded that motion and the motion was unanimously approved.

- 3. ZA2013-02: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 833 Dewberry Lane, being Lot 3, Block B of the Tranquility Farms subdivision.**

Mr. Schmidt stated that the subject property is 1.054 acres in size and currently zoned One-acre Ranch Estate (RE-1). The subject property contains the construction of a single-family, which will include an attached outdoor room and swimming pool. Mr. Schmidt noted that the subject property abuts a detention pond that serves as a common area for the subdivision and is maintained by the HOA. Mr. Schmidt stated the applicant, Mr. Greg Alford, is applying on behalf of the homeowners, Loren and Stephanie Hsiao. The applicant is requesting a zoning change for a Conditional Use Permit (CU) zoning in order to allow for the construction of a sports court. The applicant submitted a Site Plan, which indicates the construction of a sports court that is 27' x 55', which will occupy a footprint of 1,485 sq. ft. The applicant is proposing to install one basketball hoop on the south side, and will not have any lighting or fencing. Mr. Schmidt stated that the Site Plan fully conforms to the town's requirements and has met the impervious surface requirement as well. The landscape plan that was submitted proposes screening on the north and south sides. Mr. Schmidt stated that staff recommends additional plantings on the south side.

Mr. Schmidt stated that staff notified surrounding property owners and has received three in support, and several in opposition. Mr. Schmidt stated that the plan conforms to the town's guidelines and therefore recommends approval of Conditional Use Permit (CU) zoning for the construction of a sports court at 833 Dewberry Lane, conditioned upon the selection of recommended court surface colors and review of the landscape plan.

Greg Alford, 3021 Brook King Ct, Prosper, TX, applicant, stated that he is building the sports court with the goal to not be obtrusive. He has been working with the HOA committee and staff to make it appealing to the neighborhood. Mr. Alford stated that it will be green in color, will be at the grade surface, so it will actually be set into the ground, will contain no lights, a basketball play area, and will be 27' x 55' in size, which is not a full size tennis court, but the more comparable to the size of a driveway. Mr. Alford stated that the idea is having the play area for the children in the back yard versus the front and will have screening to protect view.

Loren Hsiao, home owner, stated they would like the playground in the back yard for a place for his children to ride bikes, play ball, etc. Mr. Hsiao explained they will have trees and berms for screening, it will have no lights or fencing, and that by having the sports court in the back yard allows the children to play safely. Mr. Hsiao stated that he is trying to work with the neighbors and accommodate everyone as best as possible.

Vice Chairman Hendricks opened the public hearing.

Michael Peay, 915 Foxglove, stated that he is representing the Homeowners Association regarding this sports court and the main issue is the common area. Mr. Peay expressed the HOA's concerns regarding enforcing the upkeep of the landscaping, the view from the common area, and the what if's regarding what new neighbors may do meaning it may set a precedent to the neighborhood.

Thomas Scallion, 802 Dewberry, stated his residence sits on the border of the common area and the sports court would be visible on Tranquility Lane; therefore, he is opposed.

Rick Burg, 714 Bending Oak, stated that he is opposed because it could set a precedent and once built it would be hard to take back. He likes the idea of a "clean" neighborhood.

Greg Fisher, 837 Dewberry, stated his concern is the placement and how it will affect the view from the common area even with the additional trees, and also their property values.

Becky Fisher, 837 Dewberry, stated her concern is the landscaping and how it will be enforced, and questions how the landscaping will be completed within a drought.

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

Commissioner Powell asked if guidelines were established within the HOA. Mr. Peay responded yes they have and the homeowners had received approval from the HOA architectural committee.

Mr. Schmidt addressed the question by the residents of enforcement. Mr. Schmidt stated that a Site Plan is adopted along with the Conditional Use Permit, which then becomes a legal document that requires town approval and is enforced.

Commissioner Doi asked if there could be conditions set on the CUP if the landscaping dies to require replacement or to indicate proper screening. Mr. Schmidt stated that the commissioners may do this with or without the CUP. Commissioner Doi stated that he would like to see a specific condition with vegetation present at all times to enforce, for applicant to consider screening around the surface of the court to make it more effective when walking on Tranquility Lane, and to have staff work with the applicant on the landscaping and to ensure it is fast-growing evergreens.

Vice Chairman Hendricks re-opened the public hearing.

Becky Fisher, 837 Dewberry, stated that if the homeowner is concerned about the safety of his children, then questions the placement of the sports court and suggested it being closer to the house and not near the retention pond even with a fence.

Vice Chairman Hendricks closed the public hearing and opened any further discussion to the commission members.

Commissioner Powell stated that since the sports court adheres to the town's requirements and guidelines, it is hard not to approve the request from the applicant.

Commissioner Doi stated it is not the commissioner's decision to choose what is safe for the resident's safety, but understands this concern. Commissioner Doi stated that he prefer to see more screening around the court versus using the trees and suggested that turning the court so it is parallel with Tranquility Lane would lessen the obstructed view. Commissioner Doi proposed tabling the item to allow time for the applicant to consider this option.

Commissioner Doi made a motion to table the Conditional Use Permit (CU) zoning for the construction of a sports court at 833 Dewberry Lane allowing the town staff to generate an analysis of the placement of the court parallel to Tranquility Lane to evaluate sight visibility from Tranquility Lane and to adjacent homeowners. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 4. PP2013-02: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.**

Mr. Schmidt stated that the subject property is 5.09± acres in size and currently annexed and zoned Two-Acre Ranch Estate (RE-2). The subject property is not platted; contains no existing structures or other improvements on the property, and currently served by Milligan water system. Mr. Schmidt stated that the applicant and owner, Mr. James Roberts is proposing the Robert's 2nd addition, which will subdivide the property in order to create two lots that fully conform to the RE-2 Zoning District.

Mr. Schmidt stated in review of this plat, staff required the applicant to provide for additional easements for utilities, ingress and egress, and emergency access. Town staff also required the applicant to install a fire hydrant on the common lot line between Lots 1 and 2. The applicant submitted a landscape plan that provides for new plantings on the subject property. The applicant is set to go to the January 16th Park Board meeting to determine parkland conveyance requirements for the subject property. Mr. Schmidt stated staff recommends approval of the Preliminary Plat as submitted.

Commissioner Doi asked if staff knew the species of trees that currently existed on the property. The applicant responded he thinks they are Pecan trees. Commissioner Doi also questions the fire hydrants that would be connected to the 6" line provided by Milligan and the water pressure to support it if there was a

fire. Mr. Schmidt responded that the developer's agreement will need to be established in order to facilitate the development on this property, which will include the future utility infrastructure.

Commissioner's had no other comments and/or concerns.

Commissioner Powell made a motion to approve the Preliminary Plat as submitted. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 5. VP2013-01: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase I subdivision that is generally located at the southwest corner of Hart Road and Country Club Road.**

Mr. Schmidt stated that the applicant is requesting to vacate this plat in order to allow for the review of a zoning change and Preliminary Plat application for the entirety of the property. Once the Vacating Plat is executed by the town and recorded by Collin County, the vacated plat has no effect.

Commissioner Powell made a motion to approve the Vacating Plat for the Fairview Ranch Estates – Phase I subdivision. Commissioner Doi seconded that motion and the motion was unanimously approved.

- 6. VP2013-02: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase II subdivision that is generally located west of Country Club Road and 625 feet south of Hart Road.**

Mr. Schmidt stated that the Final Plat for Fairview Ranch Estates, Phase II was approved by council at the October 9, 2012 meeting. The applicant is requesting to vacate this plat in order to allow for the review of a zoning change and preliminary plat application for the entirety of the property. Once the Vacating Plat is executed by the town and recorded by Collin County, the vacated plat has no effect.

Commissioner Flood made a motion to approve the Vacating Plat for the Fairview Ranch Estates – Phase II subdivision. Commissioner Powell seconded that motion and the motion was unanimously approved.

7. **ZA2013-03: Conduct a public hearing, consider, and take any necessary action on a request to change the zoning boundaries of a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-acre Ranch Estate (RE-1) and One-and One Half-acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.**

Mr. Schmidt stated that this subject property is annexed and consists of 16.835 acres with the property being primarily zoned One-Acre Ranch Estate (RE-1) and approximately 4.7 acres zoned One-and-one-half-acre Ranch Estate (RE-1.5). Mr. Schmidt stated that town staff conducted a review of the zoning change application. The applicant has made an effort to conform to the existing zoning on the property by shifting the zoning boundaries in order to allow for portions of the property to remain zoned RE-1.5. Mr. Schmidt stated while town staff appreciates this consideration, staff feels it would be appropriate for the entire subdivision to be zoned RE-1 or Planned Center (PC) to provide a uniform zoning classification.

Mr. Schmidt stated that town staff recommends approval of one of the following zoning changes: approve One-acre Ranch Estate (RE-1) for the entire subject property; approve Planned Center (PC) zoning for the entire subject property; or approve the zoning exhibit as submitted.

Vice Chairman Hendricks opened the public hearing.

Robert Michael Cloud, 1180 Kensington, stated he is in support, but concerned of the possible increase in traffic.

Lonnie Duncan, 760 Country Club, asked how many lots there would be. Mr. Schmidt replied there are 14 proposed lots.

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

Commissioner Doi asked town staff how to assure the preservation of the trees. Mr. Schmidt stated that the Planned Center (PC) zoning will allow for the preservation of trees since it gives them flexibility in determining where to place the structures on the lot(s).

Commissioner Doi made a motion to approve a Planned Center (PC) zoning for the subject property. Commissioner Powell seconded that motion and the motion was unanimously approved.

8. **PP2013-01: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-acre Ranch Estate (RE-1) and One-and One Half-acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.**

Mr. Schmidt stated that the proposed subject property is 16.835 acres and contains phase one and two of the Fairview Ranch Estates subdivision. The vacating plats the commissioner's approved in the previous agenda items will allow the applicant to request for approval of the submitted Preliminary Plat, which provides for 14 single-family residential lots. Mr. Schmidt stated that the proposed development will provide for two additional public streets and two additional 8" water mains. The applicant has agreed to provide additional landscaping and will be submitting a tree survey during the Final Plat review process. Mr. Schmidt stated in the two previously approved subdivisions, the town accepted cash in lieu of land for the parkland dedication requirement. The staff will recommend that the applicant contributes for the additional lots proposed in order to fully account for the development. Mr. Schmidt stated the town staff recommends approval of the Preliminary Plat as submitted.

Commissioner Doi inquired about the right-of-way dedication and plans for Hart Road. Mr. Chancellor responded that the town recently resurfaced the road while the town waits for future development until any further plans are finished.

Commissioner Powell noted the likeness of having the two entry ways and Commissioner Flood commented that lot 2 will face and have access to Hart Road.

Commissioner Powell made a motion to approve the Preliminary Plat for the Fairview Ranch Estates addition as submitted. Commissioner Flood seconded that motion and the motion was unanimously approved.

9. **ZA2013-06: Conduct a public hearing, consider, and take any necessary action on a request for rezoning to the Planned Center (PC) zone for a tract of land that is approximately 33.28 acres, zoned Two-acre Ranch Estate (RE-2) and is generally located south of Stacy Road and 200 feet west of Orr Road.**

Mr. Schmidt introduced this item stating that the subject property located at 1846 Stacy Road consists of 33.28± acres and is annexed and zoned Two-Acre Ranch Estate (RE-2), but not platted. Mr. Schmidt stated at the December meeting, the commissioners approved a Preliminary Plat that conformed to the RE-2 zoning district and the town's subdivision regulations. However, the commission had expressed the importance of tree preservation since the approved plat did not to adhere to the zoning district requirements. The applicant decided to submit a development plan that provided for enhancement of the trees.

Mr. Schmidt indicated that upon submission of this new plat, the applicant strived to adhere to the components of the draft version of the Average Density Zoning Policy. The plat conforms to the RE-2 zoning district and subdivision regulations, while having varied lot sizes. The minimum lot size would be 1.52 acres and the maximum would be 3.47 acres making the average lot size 2.01 acres. Mr. Schmidt stated upon reviewing of this application, town staff made a few revisions to the utility and landscape plan to account for minor changes to the placement of fire hydrants and proposed plantings. The landscape plan will be further evaluated following the completion of a tree survey. Mr. Schmidt stated that the town staff recommends approval of this Planned Center (PC) Development Plan for the Rolling Hills of Fairview as submitted.

Vice Chairman Hendricks opened the public hearing.

Wyatt Morecai, 1721 Stacy Road, asked what the recommendation was from the Parks and Recreation Board. Mr. Schmidt replied that the applicant will appear before the Parks and Recreation Board at the January 16th meeting to determine park dedication requirements.

Jim Rushing, 421 Varnum Way, asked if they would be keeping the pond previously proposed. Mr. Schmidt replied that the pond was eliminated and will be filled. Mr. Rushing asked how they will address the drainage. Mr. Schmidt stated during the platting process they will be able to address any drainage issues at that time.

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

Commissioner Doi asked the town staff if has been any plan consideration regarding drainage since the pond was being eliminated and how they will address buffering, especially to lots one and fifteen once the right-of-way dedication is acquired. Mr. Chancellor responded that the subdivision will have at least a culvert or open swell drainage easement between lots four and five. Mr.

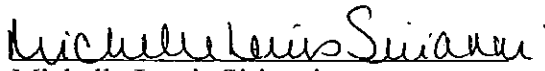
Chancellor added the roads will remain rural “open ditch” and they will try to save trees the best they can when acquiring the right-of-way. The road currently needs work and will continue to make improvements as development occurs. Commissioner Doi stated that he preferred to see a replacement buffer established now. Vice Chairman Hendricks questioned the enforceability of determining the replacement now.

Commissioner Doi made a motion to approve the Planned Center (PC) Development Plan for the Rolling Hills of Fairview as submitted conditioned upon that plantings are extended on the west side to Rolling Hills with the staff and applicant agreeing to plant along the right-of-way on the east side of Stacy Road. Commissioner Powell seconded that motion and the motion was unanimously approved.

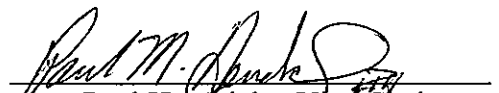
10. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 9:35 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Paul Hendricks, Vice Chairman
Planning and Zoning Commission