

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 14, 2013**

Chairman Campbell called the meeting to order at 7:01 p.m. Commission members present were Pat Friend, Renee Powell, and Paul Hendricks. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Graduate Engineer, Danielle Gregory; and Town Secretary, Michelle Lewis Sirianni. Commissioners Ricardo Doi, Brad Northcutt, and Debbie Flood were absent.

1. Consider and take action regarding the minutes of the January 10, 2013 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 January 10, 2013 Planning and Zoning Commission meeting as amended. Commissioner Friend seconded that motion and the motion was unanimously approved.

2. 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 an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, being Lot 21 of the Blue Grass Farms subdivision. (ZA2013-04)

Mr. Schmidt stated that the subject property currently contains a single-family residence. The applicant is requesting to build a metal barn on the property along with three variation requests. Those requests include an encroachment into the required 40' setback from the property lines, which was denied by the Zoning Board of Adjustment (ZBA) at their February, 2013 meeting; exceeding the 1,800 sq. ft. requirement, which is part of the CUP zoning application; and, to provide a roof form where the roof pitch does not match the roof pitch of the primary structure, which is also part of the CUP zoning application.

Mr. Schmidt stated with the decision by the ZBA, the applicant must provide for a building location that conforms to the accessory building setbacks for the subject property. The applicant is taking action to do just that, however he would still like to pursue CUP zoning for the size and roof pitch variations. Mr. Schmidt stated due to the timing of the ZBA ruling and the submittal for the commission

meeting, the applicant's Site Plan does not reflect the new building location. Town staff requests that the commission review the plan and allow the applicant to work with staff regarding the addition to more details to existing structures and the possible addition of landscaping. Mr. Schmidt stated that upon notification, he received several statements of opposition, with those coming from the Heritage Ranch subdivision. Mr. Schmidt stated that town staff recommends approval of a Conditional Use Permit for the installation of an accessory structure with a reduced roof pitch, and provide feedback and/or recommendations concerning the Site Plan.

Chairman Campbell opened the public hearing.

Larry Sewell, 916 Scenic Ranch asked if there would be another review of the Site Plan so that the public would have knowledge of the approved site location of the building, and when would they find out. Mr. Schmidt stated that the plan will go before the Town Council on March 5th for final approval.

Cathryn Thornton, 926 Scenic Ranch, stated that the area is not heavily screened and has large gaps where the houses that back up to the subject property can view the property and it would not screen the proposed building from these residents.

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

Commissioner Hendricks asked how many trees it would take to screen the building. Mr. Schmidt responded that 5-6 +/- would be sufficient.

Mike Schepers, 530 Kentucky, property owner and applicant, stated that he is trying to locate the building in the best spot, which if it faces towards Kentucky and can meet roof pitch and size, than he can avoid affecting neighbors. However, turning the building to face another direction would make it more visible to adjacent neighbors.

Commissioner Friend stated that if the applicant conforms to setbacks and by right can build 1800 sq. ft. building, what the difference in the roof pitch is.

Commissioner Hendricks stated that if the applicant abides by setbacks and has proper screening, is there a way to build the 2100 sq. ft. building. Commissioner Hendricks is okay with the roof pitch and would like the applicant to be able to build the building, but with the numerous constraints, he'd like to see a new plan

showing location of the building, landscaping, etc. Therefore, suggests tabling the item.

Commissioner Friend stated that he agrees with Commissioner Hendricks and would request that the roof pitch be reduced as well as abiding by the setbacks.

Commissioner Hendricks made a motion to table to date certain of March 14, 2013, a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, to address the size of the structure and landscape plan. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 3. 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. (ZA2013-02)**

Mr. Schmidt stated that Mr. Greg Alford of Alford Homes is applying on behalf of the property owner to construct a sports court that is 27'x55'. The court surface will be done in earth tones along with a basketball hoop on the south side. Mr. Schmidt stated that the request conforms to the town's impervious surface requirements for the RE-1 zoning district. At the request of the commission, the applicant has done a line-of-sight analysis in order to further evaluate the type and height of the landscaping that would be required to screen the court from adjacent properties. Mr. Schmidt stated that the request conforms to all guidelines and recommends approval as submitted.

Greg Alford, Alford Custom Homes, gave a presentation to the commission members highlighting the planned landscaping to provide for screening of the sports court as well as adhering to all the town's requirements including the impervious surface percentage. Mr. Alford stated that they have received various letters of support from neighbors and respectfully request approval.

Chairman Campbell opened the public hearing.

Mike Peay, 915 Foxglove, stated that he is representing the subdivisions HOA and out of 26 people; 17 oppose, three are neutral, three are in support, and three did not respond. Mr. Peay stated that LandPlan approved the plan by Mr. Alford, but the HOA remain strongly opposed. They feel that it will not have adequate landscaping from the view of the pond, would prefer a removable basketball hoop, and request that if any of the landscaping dies that the town require the homeowner to replace it.

Loren Hsiao, 833 Dewberry, applicant and homeowner, stated that he specifically asked ahead of time what is permissible to build. It is the goal of their family to have togetherness, while providing safety to their children. Mr. Hsiao stated that they spoke to many of their neighbors and thought they had their support for their request to build a sports court. Mr. Hsiao stated it is small in comparison to a full size court and have approval of town staff by complying with all the town requirements. Mr. Hsiao respectfully requested approval from the commission.

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

Commissioner Hendricks asked if the homeowners can build it by right and if it conforms to all requirements. Mr. Schmidt responded that it requires a Conditional Use Permit, but the homeowners have conformed to all the requirements including the setbacks.

Commissioner Powell stated it's hard to deny the request since it conforms to all town guidelines. Commissioner Hendricks agreed.

Commissioner Powell made a motion to approve a Conditional Use Permit for the construction of a sports court at 833 Dewberry Lane conditioned upon modification to the landscape plan with town staff review and approval. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 4. Conduct a public hearing, consider, and take any necessary action on a request for rezoning to the One-and One Half-acre Ranch Estate (RE-1.5) zone for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zoned Three-acre Ranch Estate (RE-3) and is generally located at the southeast corner of Stoddard Road and Country Club Road. (ZA2013-05)**

Mr. Schmidt stated that the subject property contains one single-family residence and various accessory structures at the rear of the property. There is also a small pond and is currently zoned Three-Acre Ranch Estate (RE-3). The applicant, Mr. Bruce Kelly, is requesting a zoning change to One-and-One-Half-Acre Ranch Estate (RE-1.5) for a 6.256± portion of the property. The applicant would like to develop four single-family lots that would front Stoddard Road.

Mr. Schmidt stated that the majority of the adjacent properties are zoned or have been developed in a manner that is not consistent with current zoning prescribed for the applicant's property. However, there are no conditions on the property that would prevent the applicant from conforming to the zoning district. Mr. Schmidt stated that town staff is requesting the commission to evaluate and provide feedback in order to recommend a course of action to the Town Council.

Bruce Kelly, property owner stated that he has owned the property for 14 years and even requested a voluntary annexation and zoning of his property. Mr. Kelly stated that he feels that his current zoning is inconsistent with surrounding development and therefore, it is hindering his property as it currently exists and it is why he is requesting a zoning change. Mr. Kelly also expressed his concern for the value of his property and the economic impact it could have.

Chairman Campbell opened the public hearing. No comments were made.

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

Commissioner Friend stated he has no strong feeling either way on this request, but feels that the commission's decision will set precedence for any possible future requests.

Commissioner Powell stated that she doesn't like to increase density, but understands it may be appropriate for this property location. Commissioner Powell asked the applicant if rezoning to Two-Acre Ranch Estate would be an option. Mr. Kelly responded that he preferred RE-1.5 with four lots.

Commissioner Hendricks stated that he recommends adhering to the town's Future Land Use Plan (FLUP) and asked if the applicant would agree to have his lots average two acres. Mr. Kelly responded no.

Commissioner Friend agreed that they should follow the FLUP.

Chairman Campbell asked the applicant how the voluntary annexation came about and if he was given options on the zoning recommendation. Mr. Kelly responded that all other surrounding property at that time was zoned RE-3 or not zoned at all and he added he would be okay with having an average lot size of two acres.

Commissioner Friend stated that he is not in favor of the RE-1.5 zoning and would ask for a plan conforming to RE-2 or greater.

Commissioner Powell stated that she would like input from the Town Council. She stated that she would hate to lose the large lots, but his plan does conform to the surrounding area.

Commissioner Hendricks made a motion to deny without prejudice a request for a rezoning to the One-and One Half-acre Ranch Estate (RE-1.5) zone for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zoned Three-acre Ranch Estate (RE-3). Commissioner Friend seconded that motion and the motion was unanimously approved.

- 5. Discuss, consider, and take any necessary action on a request for approval of a Final 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. (FP2013-02)**

Mr. Schmidt stated that the subject property is currently zoned Two-Acre Ranch Estate (RE-2). The subject property is currently not platted and contains no existing structures with very limited vegetation. Mr. Schmidt stated that a developer's agreement will be needed on this property due to the water system not meeting fire demand flow rate requirements and to establish an emergency access drive. The applicant has acknowledged the emergency services and water utility provision issues that exist on the property. The Parks Advisory Board recommended cash in lieu of land in order to fulfill parkland dedication requirements. Mr. Schmidt stated that town staff recommends approval with a condition that a developers agreement is established between the town and the applicant.

Commissioner Hendricks asked if the town attorney had reviewed the agreement. Mr. Schmidt responded that the town attorney will be reviewing the developer's agreement and it will be similar to the Dos Casas subdivision that was most recently done.

Commissioner Friend made a motion to approve the Final Plat for the Roberts Second Addition conditioned upon the establishment of a developer's agreement between the town and the applicant. Commissioner Powell seconded that motion and the motion was unanimously approved.

6. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned Planned Center (PC), and is generally located at the southwest corner of Hart Road and Country Club Road. (FP2013-03)

Mr. Schmidt stated that this subject property consists of 16.835 acres in size and was zoned Planned Center (PC) at the last council meeting. In recent months, the applicant obtained approval for Phase I and Phase II of the Fairview Ranch Estates subdivision that were contained within this property. The applicant was able to purchase the portion of land that was located between these two subdivisions. The applicant has vacated those plats in order to allow for the review of this Final Plat creating one subdivision comprised of 14 lots and two common area lots.

The proposed development will provide for two additional public streets and will also link the water main system. The applicant also provided a tree removal plan that identifies existing trees that would have to be removed due to the proposed development. The intent is to preserve as many trees as possible, but due to the extensive vegetation on a few lots, it will require the applicant to remove a few. Mr. Schmidt stated that the applicant has also submitted a sign plan for two monument signs, which conform to the town's sign regulations, but do not provide for any landscaping.

Chairman Campbell opened discussion to commission members.

Chairman Campbell stated that he would like to see a little something around the sign. Mr. Bryon Reid, applicant, stated that they were trying to avoid having the homeowners from paying dues for upkeep, but open to using hardscape.

Commissioner Friend made a motion to approve the Final Plat conditioned upon additional staff review of the sign plan. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. Discuss, consider, and take any necessary action on an amendment to Chapter 14 (Zoning), Article 14.02, Division 11 (Planned Center Zone), in order to establish additional requirements and guidelines for Planned Center (PC) zoning requests. (ZA2013-07)**

Mr. Schmidt stated that the commission as well as Town Council have both reviewed and provided input for this draft policy. Town staff has modified to incorporate for all input and has drafted an ordinance that would incorporate this policy into the Planned Center zoning district. Mr. Schmidt recommended approving as submitted.

Commissioner Powell made a motion to approve an ordinance to amend the Planned Center (PC) zoning district in order to establish the town's Average Density (AD) development policy. Commissioner Hendricks seconded that motion and the motion was unanimously approved.

- 8. Discuss, consider, and take any necessary action on an amendment to Chapter 14 (Zoning), Article 14.02, Division 13 (Planned Development Zone), in order to establish additional requirements and guidelines for Planned Development (PD) zoning requests. (ZA2013-08)**

Mr. Schmidt stated that same comments apply as previous item except that this drafted ordinance is for the Planned Development (PD) zoning district. Mr. Schmidt added that within this district there is a minimum area requirement that ranges from 250 to 500 acres. As a result, new PD districts are unlikely to occur.

Commissioner Friend made a motion to approve an ordinance to amend the Planned Development (PD) zoning district in order to establish the town's Average Density (AD) development policy. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 9. Adjourn.**

Chairman Campbell adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary



Brayton Campbell
Brayton Campbell, Chairman
Planning and Zoning Commission