

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

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

1. Consider and take action regarding the minutes of the February 14, 2013 Planning and Zoning Commission meeting.

Commissioner Doi stated that he called in corrections prior to the meeting.

Commissioner Doi made a motion to approve the minutes of the February 14, 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 an amendment to the Conditional Use Permit (CU) Zoning District in order to allow for an off-road vehicle track on a property that is zoned Open Space and Flood Hazard (FH) and is part of a 44.069-acre tract of land that is generally located east of Country Club Road and south of the Montecito Estates subdivision. (ZA2013-09)

Mr. Schmidt stated that the subject property is adjacent to Sloan Creek and the majority of the property falls within the FEMA 100-year floodplain, and is zoned Open Space and Flood Hazard. The applicant, Mr. McLeod is applying on behalf of the property owner. Mr. Schmidt stated that the application for the zoning change serves as a request to provide for an amendment to the CU Zoning district in order to add an "off-road vehicle track" to the permitted use chart within the CU zoning district; and requesting CU zoning in order to allow for the construction of an off-road vehicle track on the property. Mr. Schmidt stated that the proposed off-road vehicle track is 7.33 acres in size and is located completely within the FEMA 100-year floodplain. The track provides for a significant amount of terrain features and jumps that will require excavation, and has requested that the applicant amend their plans to reduce disturbance of the

floodplain. Town staff strongly recommends placing conditions of use in the adopted zoning ordinance including number of vehicles that could occupy the track at any given time; days and hours of operation; lighting restrictions; and, noise restrictions.

Mr. Schmidt stated that the town has received a significant amount of negative feedback concerning the zoning change request. The use is not a permitted use in any of the zoning districts on the subject property and the property is surrounded by properties with existing and future residential land uses. Town Staff is also concerned with the floodplain, which is an environmentally sensitive area and the grading required to build the track will substantially disturb that area. Mr. Schmidt stated the town staff recommends denial with prejudice for an application to amend the Conditional Use Permit in order to allow for an off-road vehicle track to be listed as a permitted conditional use and to be constructed on the subject property.

Mac McCloud, 905 Rush Creek, Allen, TX, stated that the request for the track is in order to test drive their trucks. The truck itself is not a street legal or racing truck. Mr. McCloud stated the track will be used to drive their trucks around and test them out. They are not trying to be a nuisance. Mr. McCloud stated that the track can be something beautiful aesthetically and are willing to work with the town to make everyone happy.

Vice Chairman Hendricks opened the public hearing.

Clayton Barnes, 305 Wrangler Drive, stated as a representative of the Heritage Ranch HOA Board, the residents within Heritage Ranch are opposed to the request and feel that it will have a negative effect on the quality of life at Heritage Ranch.

Lawrence Link, 918 Sycamore Court, expressed his concerns of the zoning compatibility on this property, the potential noise of the track, and the possible future selling of the land. Mr. Link stated that he strongly recommends denial with prejudice.

Trent Ballew, 531 Kentucky, stated that his concern would be the future probability of the land, the floodplain and possible flooding and problems that could arise with any build up. Mr. Ballew stated that he is opposed to the request.

Jeff Kirkpatrick, 541 Kentucky, stated that his concern is that with this request, the zoning could be changed at a later date. Mr. Kirkpatrick stated he is opposed to the request.

Joe Feagin, 577 Country Club, stated he is opposed to the request due to the noise pollution and possible drug and alcohol abuse.

Mark Jenkins, 230 Horseshoe Bend, stated he is the brother of the land owner and the intended use is to have a track where they can test and ride their trucks. The vehicles are not high powered and the noise will be muffled. They will build something that will be professionally done. Mr. Jenkins stated that they are willing to put money into the flood plain, as well as limiting hours of use in order to be a good neighbor.

Jim Brown, 423 Sloan Creek, stated that muffled trucks are still noisy and is opposed to the request.

Jim Reagan, 923 Sycamore Court, stated that he feels that property values will be affected and is opposed also due to noise and traffic it could bring.

Annette McGhee, 520 Homeplace, stated that she recognizes the owners right, but cannot do everything as pleased; therefore, is in opposition to the request.

Kirk Johnson, 510 Country Club, stated that he likes the peacefulness of Fairview; therefore, is opposed to the request.

Kathy Alexander, 906 Medinah Drive, stated that she feels that if approved it will have long term implications and will set a precedence for future requests.

Mel Tolle, 1300 Farmstead, stated that he feels that it will bring a lot of noise into a residential area.

Anne Casey, 1221 Camino Real, stated that there have already been many complaints' made to the police regarding this property and would be opposed to the request.

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

Commissioner Friend stated that the request is not compatible with the town's requirements and would support staff's recommendation.

Commissioner Doi asked what the difference would be between one of their trucks and a regular vehicle on the road in regards to the noise factor. Commissioner Doi commented that he would have an issue with the noise unless there's a way to quantify and doesn't feel the dust would be a problem, but has reservations against building in a Flood Hazard Zone.

Commissioner Flood stated that she would also be against building within the Flood Hazard zone and noise issues.

Commissioner Friend made a motion to deny with prejudice an application to amend the Conditional Use Permit zoning district, in order to allow for an off-road vehicle track to be listed as a permitted conditional use and to be constructed on the subject property. Commissioner Flood 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 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 applicant, Mr. Schepers has requested three variations in order to construct the proposed accessory building. The variations include an encroachment into the required 40' setback from all property lines, which was denied by the town's Zoning Board of Adjustments; exceeding the 1,800 square foot requirement for accessory building footprint size; and, providing a roof form where the pitch of the roof does not match the roof pitch of the primary structure. Based on the commissioner's comments from the previous meeting, the applicant has depicted a new location of the proposed structure on the submitted Site Plan.

Mr. Schmidt stated that staff has reviewed the applicant's submittal and would prefer that the structure be reoriented to face the west. Staff feels that the applicant would be able to pull the vehicle in and out easily and it would be less obtrusive. The staff would also like the applicant to prepare a landscape and irrigation plan, which would help with additional screening.

Mr. Schmidt stated that staff recommends approval of a Conditional Use Permit for the installation of an accessory structure with a reduced roof pitch and 2,100 square foot building foot print, conditioned upon the submittal of a landscape plan and the rotation of the structure to allow for the entrances to face the west.

Mr. Schepers, applicant and property owner, stated that he has met the required setbacks and would like to request a different roof pitch as the primary residence, and has oriented the structure entrance to face north. Mr. Schepers stated that he has conformed to the town's requirements and feels like he is being reasonable with his request(s).

Commissioner Friend stated that he talked with several residents that would be immediately affected and they were agreeable to the 2,100 square foot structure oriented with a straight-in drive. Commissioner Friend pointed out that keeping the structure far north on the property would provide for the most screening with the berm at its highest as opposed to the south end of the property.

Vice Chairman Hendricks opened the public hearing.

Larry Sewell, 916 Scenic Ranch Circle, asked if additional trees and/or berms are an option.

Trent Ballew, 531 Kentucky, stated that in his opinion the lower pitch roof would be less of an eye sore and has no problem with the size of the structure requested.

Chadd Jones, 521 Kentucky, stated that he supports the applicant's request.

Trent Alderson, 560 Kentucky, stated that he prefers the applicant's submittal with the larger square feet and lower pitch roof; therefore supports request.

Ursula Johnston, 924 Scenic Ranch Circle, stated that many of the trees along the berm have died, so if any lights are installed, will have an impact from her back porch view.

Jeff Kirkpatrick, 541 Kentucky, stated that he also has no issue with the size of the structure or the lower pitch roof due to it being similar to other buildings in the area.

Don Johnston, 924 Scenic Ranch Circle, stated the he prefers the applicants plan.

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

Commissioner Friend stated that in his opinion the least objective location is to place the structure as far north as possible with a drive-in entrance and placing trees along the berm for additional screening.

The commissioner's discussed the building sizes of 1800 square feet versus 2100 square feet, as well as the two different proposed roof pitches, and if any additional landscaping should be required. The commission also discussed the placement of the structure and which direction the entrance would be facing based on the applicant's initial request and Site Plan that was submitted for approval.

Commissioner Flood made a motion to approve a Conditional Use Permit for the installation of an accessory structure with a reduced roof pitch and 1800 square foot building foot print, with no additional landscaping required. Commissioner Doi seconded that motion and the motion was unanimously approved.

4. Consider, discuss, and take any necessary action on a request for approval of a minor amendment to a Development Plan for a 33.28-acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road. (ZA2013-10)

Mr. Schmidt stated that the minor amendment doesn't require a public hearing since the changes retain the intended character of the development and have no impact on the density requirements of the subdivision. The purpose of this amendment is to modify the development plan to reflect changes to the applicant's parkland dedication to the town and to establish an additional common area lot between Lots 7 and 8. The applicant will construct a trail and install landscaping that will be owned and maintained by the subdivision's HOA and will be dedicating a lot to the town in order to allow for the future extension of the town's trail system. Mr. Schmidt recommended approval as submitted.

Commissioner Doi asked if the easement between Lot 7 and 8 would be grass. Mr. Schmidt responded that it will be either concrete or decomposed crushed granite with crepe myrtles.

Commissioner Doi made a motion to approve a minor amendment to the Development Plan for the Rolling Hills of Fairview Addition. 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 33.28-acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road. (FP2013-04)**

Mr. Schmidt stated that with this Final Plat submittal, the addition will provide for two additional public streets and dedication of right-of-way within and adjacent to Stacy Road. The applicant is also proposing to extend a 12” water main that would link this subdivision to Thompson Springs subdivision. Mr. Schmidt stated that the town staff recommends approval conditioned upon the establishment of a developer’s agreement for the offsite utilities.

Commissioner Doi made a motion to approve the Final Plat for the Rolling Hills of Fairview conditioned upon the establishment of a developer’s agreement. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 6. Consider, discuss and take any necessary action on a request for approval of a Temporary Use Permit application for the storage of landscaping materials on a 33.28-acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road. (TUP2013-01)**

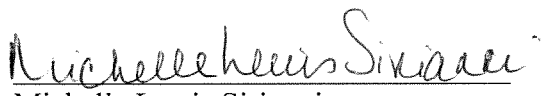
Mr. Schmidt stated that Mr. Reid of M. Christopher Custom Homes is requesting a Temporary Use Permit in order to allow for the storage of landscape materials that will be used in the construction of Fairview Ranch Estates. The permit will be for a period of three months and if approved would expire on June 17, 2013.

Commissioner Doi made a motion to approve a Temporary Use Permit for the storage of landscaping materials on the subject property for a period of three months. Commissioner Flood seconded that motion and the motion was unanimously approved.

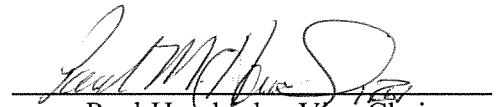
7. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 9:38 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary




Paul Hendricks, Vice Chairman
Planning and Zoning Commission