

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, APRIL 11, 2013**

Vice Chairman Hendricks called the meeting to order at 7:02 p.m. Commission members present were Paul Hendricks, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt, and Town Secretary, Michelle Lewis Sirianni. Commissioners Pat Friend and Ricardo Doi were absent.

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

Commissioner Powell made a motion to approve the minutes of the March 14, 2013 Planning and Zoning Commission meeting. Commissioner Northcutt seconded that motion and the motion was unanimously approved.

**2. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the impervious surface and lot coverage requirements for One Acre (RE-1), One and One Half Acre (RE-1.5), Two Acre (RE-2), and Three Acre (RE-3) Ranch Estate Zones.**

Mr. Schmidt stated that the town has established the maximum coverage of impervious surfaces to be 25%, however the zoning ordinance does not formerly define impervious surface. As a result, many lower-density residential developments have developed in an inconsistent manner with nearly half of the town's existing development not conforming to the impervious surface requirements. Mr. Schmidt stated that the town's graduate engineer, Danielle Gregory, recently conducted a brief assessment of the town's existing development within the RE-1 zoning district. She sampled various lots and estimated that as much as 44% of the town's residential lots within the RE-1 zoning district are either illegal uses or legal nonconforming uses. Mr. Schmidt stated that the development community feels the towns has stricter regulations compared to similar communities. The town currently includes all pavements, pools, and structures, while other cities only include structures. Mr. Schmidt stated that the town staff has provided and recommends approval of the proposed

ordinance redefining impervious surface and lot coverage requirements that would provide maximum lot coverage requirements for each zoning district as follows:

- One Acre (RE-1): 45%
- One and One Half Acre (RE-1.5): 45%
- Two Acre (RE-2): 40%
- Three Acre (RE-3): 35%

Commissioner Flood asked how many houses were surveyed. Mr. Schmidt replied that samples from each subdivision were taken. Commissioner Flood expressed concern of losing trees if they increase the percentage.

Commissioner Powell asked of the houses that are over, how far over percentage wise are they. Mr. Schmidt replied that many lots approach 45%, but the Conditional Use Permit regulates accessory buildings.

Vice Chairman Hendricks opened the public hearing.

Tom Flood, 431 Forest Oaks stated that his concern is of increasing the square footage of concrete within an RE-1 zoning district.

No further comments were made and the public hearing was closed.

Vice Chairman Hendricks opened discussion to the commission.

Commissioner Powell commented that she feels better knowing the town has the Conditional Use Permits to help regulate accessory buildings.

Commissioner Northcutt stated his concern is increasing the percentage especially within the One Acre Districts. Commissioner Northcutt also asked if they should get a risk clarification from the town attorney regarding the amendments.

Commissioner Flood stated that she would like to see specific numbers in regards to the survey taken.

Vice Chairman Hendricks stated that he would like to see more evaluations down throughout the town with a desire to be uniform across town to ensure legal conforming uses. Therefore, suggested tabling the item to allow the commission to receive additional information.

Commissioner Northcutt made a motion to table an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the impervious surface and lot coverage requirements for One Acre (RE-1), One and One Half Acre (RE-1.5), Two Acre (RE-2), and Three Acre (RE-3) Ranch Estate Zones to the May 9, 2013 commission meeting and requesting the town staff to reevaluate additional homes and details along with percentages for consideration based on these findings. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to reduce the five year expiration to three years for the preliminary plan in the Planned Center Zone and the concept plans in the Planned Development and Commercial Planned Development District Zones.**

Mr. Schmidt stated that in 2008, the town amended the expiration timeframe on Concept Plans from twelve to five years. Town staff believes it would be appropriate to re-examine the concept expiration timeframe and consider changing from five to three years due to the increasing development and the economy starting to recover. Mr. Schmidt stated the concept plans already approved will keep their current expiration timeframe since they have vested rights to that plan, but all newly approved plans would go forward with the three year if approved. Mr. Schmidt stated that town staff recommends approval of an amendment reducing the Concept Plan and Preliminary Plan expiration timeframe from five years to three.

Commissioner Northcutt asked if by changing the expiration timeframe would encourage development opposed to giving developers time to get everything in order. Mr. Schmidt replied that existing approved plans that are no longer suitable for that particular area will be changed to be more appropriate.

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

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

Commissioner Northcutt made a motion to approve the amendment to the Commercial Planned Development District (CPDD), Planned Center (PC), and Planned Development (PD) Zoning Districts in order to reduce the Concept Plan and Preliminary Plan expiration timeframe from five years to three. Commissioner Flood seconded that motion and the motion was unanimously approved.

#### 4. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 7:39 p.m.

Respectfully submitted,

Michelle Lewis Sirianni  
Michelle Lewis Sirianni  
Town Secretary



Paul M. Hendricks  
Paul Hendricks, Vice Chairman  
Planning and Zoning Commission