

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MAY 9, 2013**

Vice Chairman Hendricks called the meeting to order at 7:00 p.m. Commission members present were Paul Hendricks, Pat Friend, Renee Powell, Brad Northcutt, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Management Intern, Tyler Brewer; Engineer in Training, Danielle Gregory; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni. Commissioner Ricardo Doi was absent.

1. Consider and take action regarding the minutes of the April 11, 2013 Planning and Zoning Commission meeting.

Commissioner Powell noted a grammatical correction on page three of the minutes.

Commissioner Northcutt made a motion to approve the minutes as amended of the April 11, 2013 Planning and Zoning Commission meeting. Commissioner Powell 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 structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 111 Summer Hill Lane, being Block 3, Lot 21 of the Summer Hill Farms subdivision.

Mr. Brewer stated that the subject property is 1.8 acres in size and zoned to the One-Acre Ranch Estate (RE-1). The subject property currently contains one single-family residence with a swimming pool and a detached garage. The property owners, Mr. and Mrs. Edward Karona currently have a 1,622 SF garage accessory building that was installed prior to the town adopting stricter regulations for accessory structures, which is considered a legal non-conforming use. The applicants are requesting to build a 15' x 15' patio structure. The additional 225 SF structure will bring the total square footage to 1,847. With the proposed improvement, the total lot coverage is 11.8% and well below the maximum 25% maximum surface requirement. Mr. Brewer stated the applicant's request is consistent with others within their neighborhood; therefore, staff recommends approval.

Commissioner Northcutt asked if it had attached decking.

Jennifer Korona, owner and applicant, stated that they will be using flagstones as the walkway in between the concrete and across the front.

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 Powell made a motion to approve the Conditional Use Permit (CU) zoning for the installation of a patio structure at 111 Summer Hill Lane. Commissioner Northcutt 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 amend the definitions, the principle permitted uses of the One-Acre Ranch Estate Zone (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 currently 25% is the maximum impervious surface lot requirement. Mr. Schmidt stated with the commission requesting additional information, town staff did additional research on subdivisions with streets without dedicated right-of-way, as well as comparisons to other municipalities. Staff's findings were that there were more than a few lots that exceeded 40% lot coverage and the vast majority of other cities only restrict lot coverage based on vertical structures such as homes and outbuildings, while Fairview includes buildings, paving, and pools in the impervious surface assessment. As a result, staff further defined lot coverage and impervious surface, while also providing maximum lot coverage requirements as follows on each zoning district:

One-Acre (RE-1): 35%

One-and-One-Half –Acre (RE-1.5): 30%

Two-Acre (RE-2): 25%

Three-Acre (RE-3): 25%

Mr. Schmidt stated that while examining the traditional zoning districts, staff would also like to address the following issues:

1. Amend the One-Acre Ranch Estate (RE-1) Zone in order to make crop and tree farming an accessory use.
2. Remove the statement referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.
3. Account for lot widths on lots that front cul de sacs in the RE-1.5 district.
4. Remove the statement referencing accessory building height in the 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 staff recommends approval of the amendment to the zoning ordinance in order to amend the definitions section in order to define impervious surface and lot coverage, to amend lot coverage requirements as listed above for the zoning district(s), and to amend the additional four items as listed above.

Commissioner Flood asked if the percentage should go over, would the homeowner be able to seek a variance. Mr. Schmidt replied yes they will.

Commissioner Rushing questioned what is causing the limit. He commented that the town is typically a proponent of open space, thereby enforcing the lot coverage requirements.

Vice Chairman Hendricks opened the public hearing.

Brandon Bush, 834 Dewberry, stated he has a one-story residence and would like to eventually put in a pool. Mr. Bush asked if he would be allowed to do so in the future. Mr. Schmidt replied yes since the RE-1 district would support 35%.

Councilman Friend made a motion to approve an amendment to the zoning ordinance in order to:

1. Amend the definitions section in order to define impervious surface and lot coverage.
2. Amend the impervious surface and lot coverage requirements as follows: One-Acre (RE-1), 35%; One-One-Half-Acre (RE-1.5), 30%; Two-Acre (RE-2), 25%, and Three-Acre (RE-3), 25%.
3. Amend the One-Acre Ranch Estate Zone (RE-1) in order to make crop and tree farming an accessory use.

4. Remove the statement referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (Re-2), and Three-Acre (RE-3) Ranch Estate Zones.
5. Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1-5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones; and
6. Amend the RE-1.5 district to allow for reduced lot widths on cul de sac lots.

Commissioner Rushing seconded that motion and the motion was unanimously approved.

4. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2005-62, the Planned Center District for the Blue Grass Farms Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that this subdivision was initially zoned Planned Center Zoning (PC) in 2005 and consists of single-family residential lots ranging in size from 1.92 to 3.0 acres in size. Mr. Schmidt stated that the subdivision is largely built out, except for one 14 acre-lot. Town staff received a lot of feedback from the residents of this subdivision expressing their liking to the larger lot sizes. Due to the PC classification, the current lot sizes are the zoned lot sizes for the subdivision and any deviation would constitute a zoning change. Therefore, staff would like to address the following issues.

1. Accessory uses are permitted and Special/Conditional uses are permitted by town council approval.
2. Any new lots that are created as result of a replat of an existing lot shall be no less than 1.92 acres (the size of the smallest existing lot in the subdivision) and shall meet all setbacks provided for in the RE-2 district. The minimum lot width for new lots shall be 180 feet (the current existing minimum lot width in the subdivision) except that any lot with 50% or more of its front property line contiguous to a cul-de-sac shall have a minimum lot width of 70 feet at a point 35 feet behind said property line and,
3. Remove all references to deed restrictions within the ordinance.

Vice Chairman Hendricks opened the public hearing.

Ben Drollinger, 460 Horseshoe Trail, stated that the 14 acres lot within this subdivision falls within the 100 year Flood Plain, and that only 8 acres is outside of the flood plain area.

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

Commissioners were in consensus of supporting staff's recommendations and that adding the minimum lot size would give further protection.

Commissioner Friend made a motion to approve an amendment to Ordinance No. 2005-62 in order to:

1. Amend limitations placed on accessory and special/conditional uses;
2. Establish a minimum lot size and lot width for all newly established lots; and
3. Remove all references to deed restrictions in the ordinance.

Commissioner Flood seconded that motion and the motion was unanimously approved.

5. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2008-6-3E, the Planned Center District for the Montecito Estates Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that Montecito Estates I was zoned in 2008 to the Planned Center (PC) zoning district and consists of lots varying in lot sizes ranging from .9-3.0 acres in size. Mr. Schmidt stated that with this subdivision possessing a wide range of lot sizes, staff found it to be appropriate to provide different lot coverage recommendations for different ranges of lot sizes. Therefore, staff is recommending the following: Lots less than 1.50 acres in size have 35% maximum lot coverage; lots 1.50-1.99 have 30% maximum lot coverage; and lots greater than 2.0 retain the 25% maximum lot coverage. Additionally, staff would like to address the following issues:

1. Special/Conditional uses are not currently permitted.
2. Any new lots that are created as result of a replat of an existing lot shall be no less than 1.5 acres and shall meet all setbacks provided for in the RE-1.5 district. The minimum lot width for new lots shall be 180 feet (the current existing minimum lot width in the subdivision) except that any lot with 50% or more of its front property line contiguous to a cul-de-sac shall have a minimum lot width of 70 feet at a point 35 feet behind said property line. This was the recommendation from the Blue Grass Farms subdivision.
3. Amend the sideyard setback requirements.

4. Remove all references to deed restrictions in the ordinance.

Commissioner Friend asked if these recommendations were based on the smallest lot. Mr. Schmidt responded that it reflects an average lot in this subdivision in order to protect the lower density.

Vice Chairman Hendricks opened the public hearing.

Ben Massman, 1320 Camino Real, stated that due to the various lot sizes, he recommends a 25' sideyard setback across the board for the whole subdivision. Mr. Schmidt stated the only issue that could arise with this would be a new accessory building.

Greg Edgar, 1381 Camino Real, agreed that 25' was more consistent.

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

Commissioners Friend, Flood, and Northcutt recommended the 25' sideyard setback for this subdivision.

Commissioner Northcutt made a motion to approve an amendment to Ordinance No. 2008-6-3E in order to:

1. Increase the maximum impervious lot coverage requirements;
2. Amend limitations placed on special/conditional uses;
3. Establish the minimum lot size to 1.5 acres and shall meet all setbacks provided for in the RE-1.5 district. The minimum lot width for new lots shall be 180 feet except that any lot with 50% or more of its front property line contiguous to a cul-de-sac shall have a minimum lot width of 70 feet at a point 35 feet behind said property line and lot width;
4. Amend the sideyard setback requirement to 25'; and
5. Remove all references to deed restrictions in the ordinance.

Commissioner Friend seconded that motion and the motion was unanimously approved.

6. **Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2010-8-3A, the Planned Center District for the Collinwood Acres and the Collinwood Acres North Subdivisions, in order to amend the planned center zoning regulations that govern these subdivisions. 4**

Mr. Schmidt stated that in 2010 Collinwood Acres and Collinwood Acres north were zoned and consists of lots varying in size from .9-10.0 acres in size. This subdivision is not built out, as some of the larger properties are significantly underdeveloped and could be easily subdivided to produce additional lots. Mr. Schmidt stated that with these subdivisions possessing a wide range of lot sizes, staff found it appropriate to provide different lot coverage recommendations for different ranges of lot sizes. Lots less than 1.50 in size would have a 35% maximum lot coverage; lots 1.50-1.99 in size would have a 30% maximum lot coverage; and lots greater than 2.00 acres in size would retain the 25% maximum lot coverage. Additionally, any new lots that are created as a result of a replat of an existing lot, shall be no less than 1.5 acres and shall meet all setbacks provided for in the RE-1.5 district.

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.

Commission members agreed that impervious surface lot requirements would be as follows: Lots less than 1.5acre in size, 35%; Lots 1.50-1.99 acres in size, 30%, and Lots equal to or greater than 2.0 acres in size, 25%.

Commissioner Friend made a motion to approve an amendment to Ordinance No. 2010-8-3A in order to: increase the maximum impervious lot coverage requirements as listed above, and to establish a minimum lot size of 1.50 acres for all newly established lots. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. Conduct a public hearing, consider, and take any necessary action on a request for approval of an Amended Concept Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275, zoned Commercial Planned Development District (CPDD), Zone D, and is generally located west of SH 5 and north of Meandering Way.**

Mr. Schmidt stated that the subject property is currently unplatted and contains a substantial amount of floodplain on the property. The property is undeveloped except for a dilapidated red barn that currently exists on the property and contains a 50' gas line easement that substantially constrains this property. Mr. Schmidt provided a brief history of this property regarding the initial Concept Plan up to the current date. The applicant for the proposed amended Concept Plan has submitted a plan for the development of 267 multi-family units, which will

consist of 10 buildings up to three stories, but will have a mix of two, three, and $\frac{3}{4}$ split terrace buildings. The applicant has also requested a variance for the minimum unit size since there are some that don't meet the minimum 850 SF requirement. The applicant also intends to dedicate land to the town as part of their public open space dedication which will include over eleven acres of land and over 2,800 LF in trail and improvements. Mr. Schmidt stated that in order to provide for the full right-of-way configuration of SH 5, the applicant would be required to dedicate additional right-of-way. Town staff will continue to work with the applicant in order to optimize parking and the location of buildings and other associated facilities; therefore, staff recommends approval of the Amended Concept Plan for the Davis Development multi-family development.

Commissioner Powell asked if the public trail would contain any public parking and if they would be a gated community. Mr. Schmidt responded that they are part of a larger trail concept, so there will be no public parking and it is proposed to be a gated community.

Commissioner Rushing proposed working with the Park Board to obtain access to the historical areas as well as tying into the town's trail system.

Commissioner Northcutt raised concerns regarding traffic stacking do to where entrance and exit gates would be located. Commissioner Friend asked what additional provisions for guest parking was being accommodated. Mr. Schmidt replied that they have met the town's parking requirement(s).

Vice Chairman Hendricks opened the public hearing.

Frank Carvajal, 461 Windmill Lane, stated his concern is the height of the buildings and the property to the south. Mr. Carvajal suggested only having two stories along Hwy 5.

Ben Drollinger, 460 Horseshoe, expressed concerns that there were no playgrounds depicted, as well as if there has been an Environmental Impact Analysis done with the creek. The historical impact on the area was his main concern.

Ralph Thompson, 420 Windmill Lane, stated that he is also concerned about the lack of playgrounds, what is being planning for fencing, the height of the buildings, and if there would be access to the town's historical landmarks.

Michael Vannata, 5141 Stream Crest Way, asked who will maintain the bridge by the creek and will there be public access. Mr. Schmidt replied that the trail is a component of the town's master park plan.

Palmer Weyandt, 601 Bluebonnet, stated that his lot backs up to the creek and his concern is the children. There is no place for them to play.

Keith Lovelace, 441 Horseshoe, stated that he is opposed to the plan. Mr. Lovelace questions how the plan can be approved without a traffic study being done. He also believes that there needs to be a buffer zone between the RE-1 properties and the multi-family units with there being no benefit is reducing the unit sizes.

Mr. Schmidt commented that this is a conceptual plan, and that there is a current Concept Plan that has been approved on this property. A Site Plan would be required as part of the next step, which would also then warrant a traffic analysis.

Amy Wells, 571 Bluebonnet, stated that her concern is the liability and should consider funneling traffic to Fairview Parkway versus Hwy 5.

Kathryn Bayle, 407 Varnum Way, stated her concern is the traffic flow.

Kathy Kanppitsch, 290 Hampton Court, stated that there needs to be another access option running east/west.

Chris Fry, 420 Horseshoe, stated his main concern is the roads and access to the roads.

Brian Johnson, 481 Windmill Lane, asked if there would be a buffer and/or berm between development, and need to consider the safety due to the heavy speed on Hwy 5.

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

Commissioner Friend asked if there were plans to widen Hwy 5 to four lanes and how many multi-family units were being proposed totally, and how many people per acre. Mr. Chancellor responded there are no plans to widen Hwy 5. Mr. Schmidt replied that there are 267 units being proposed, and as proposed will equal approximately 17 people per acre. Commissioner Friend asked how much common area and proximity of the clubhouse to the buildings.

Commissioner Rushing stated overall he is not in favor of the plan. Commissioner Rushing stated his biggest concerns are the traffic, only having two exits, and with the gas line extending through the property, he would like to see the buildings setback even farther away from Hwy 5.

Commissioner Northcutt asked about public safety access. Mr. Schmidt replied that the Fire Marshal has reviewed the plans and they conform to fire code with the hydrants being accessible. Commissioner Northcutt added that he would like to see the plan refined to account for children, parking access to trails, and access to the historical sites. He commented that due to the variances being requested, he would have difficulty supporting.

Commissioner Flood stated that she likes that they have reduced the number of units, but has the same concerns as the other commissioners, especially the access off of Hwy 5.

Fred Hazel, VP of Davis Development, stated that there are many common areas that could accommodate for playgrounds, which would also be near the pool. Mr. Hazel commented that there will also be activities for children inside the club house. Mr. Hazel noted the following based on the commissioner's concerns: a traffic study will be done; a variance in unit size is being requested because they believe in having a variety of one bed rooms; the height of the buildings will be worked with the topography of the land; there is room to push back the buildings near Hwy 5; and, a trash compactor will be self-contained and will operate on a compacting system that minimizes the smell and is virtually what they have used in all their developments.

Commissioner Friend made a motion to deny without prejudice. Commissioner Rushing seconded that motion and the motion was unanimously approved.

8. Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Section 14.02.011, in order to clarify the maximum building height for accessory buildings.

Mr. Schmidt stated that there is some conflicting language and inconsistencies regarding the maximum height of accessory buildings. In the accessory building ordinance, there are two different height requirements. Mr. Schmidt stated that the town currently requires all accessory buildings to match the roof pitch of the primary structure. As a result, town staff is recommending approval of an amendment to establish the maximum accessory building height in all zones to 30 feet or a maximum wall height of 14 feet, measure from the finished floor. The accessory buildings must provide for a minimum roof pitch of 4:12, with the exception of patio structures and other structures that maintain open facades.

Vice Chairman Hendricks opened the public hearing.

Greg Edgar, 1381 Camino Real, suggested a provision that the roof pitch shall not exceed the roof pitch of the primary structure.

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

Commissioner Northcutt made a motion to approve an amendment to the town's accessory building ordinance in order to amend the accessory building height and roof pitch requirements with a provision for the accessory building not to exceed the roof pitch of the primary structure. Commissioner Flood seconded that motion and the motion was unanimously approved.

9. **Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.13 acre tract of land situated in the Samuel Sloan Survey-Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1), and is generally located east of Meandering Way and south of Creekwood Drive.**

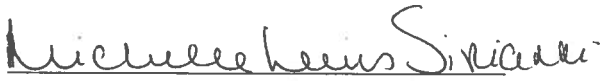
Mr. Schmidt stated the purpose of this plat is to combine two lots into one single lot, add a variable width access, drainage, and utility easement on and adjacent to Meandering Way, and to dedicate Tract 1, to the town. Mr. Schmidt stated the plat conforms to the towns requirements and subdivision regulations; therefore, recommends approval.

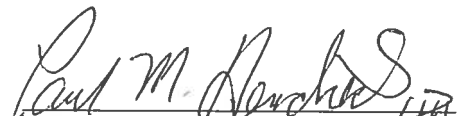
Commissioner Powell made a motion to approve a Final Plat for the Caldwell Fairview Addition. Commissioner Friend seconded that motion and the motion was unanimously approved.

10. Adjourn.

Vice Chairman Hendricks adjourned the meeting at 10:20 p.m.

Respectfully submitted,


Michelle Lewis Sirianni
Town Secretary


Paul Hendricks, Vice Chairman
Planning and Zoning Commission

