

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JUNE 13, 2013**

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

1. Elect a Vice-Chairman.

By private ballot, commissioners elected Commissioner Northcutt to serve as Vice-Chairman until a Chairman was appointed by Town Council.

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 a religious institution on a 5.818± acre property that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 950 feet west of Meandering Way.

Mr. Schmidt stated that Mr. Don Vandiver is applying on behalf of the Presiding Bishop of the Church of Jesus Christ of the Latter-Day Saints. Mr. Schmidt stated that the purpose of this application is for a religious institution/meetinghouse on a 5.818 acre property that will be 19,400 SF in size and provide for a 242 seat sanctuary, a cultural center for recreational activities, classrooms, office, and storage space. Each facility is designed to serve 2-3 congregations and is not proposing any educational, daycare, or other ancillary uses as part of the application, which was thoroughly reviewed by staff. Mr. Schmidt stated the subject property is undeveloped, zoned One-Acre Ranch Estate (RE-1). The town's ordinance allows religious institutions to be built through the CU zoning.

Mr. Schmidt addressed vehicle access, traffic impact, and right-of-way requirements. With the impending expansion of Stacy Road from two lanes to a four lane divided road, the property has already dedicated the required right-of-way. Mr. Schmidt commented that with the property having direct access to a main access road and majority of traffic occurring on Sunday mornings and not during peak times, it is unlikely for it to greatly impact on surrounding development.

Mr. Schmidt also addressed the subject's property utilities, drainage, and environmental concerns. The applicant will be required to provide for an aerobic septic system to serve the proposed development and can be served by an aerobic septic system without negatively impacting drainage or runoff on adjacent properties. Mr. Schmidt commented that the applicant meets the town's requirements for parking and lighting and the preliminary landscape plan demonstrates that the development will be sufficiently buffered. The applicant will submit a final landscape and irrigation plan during the platting process.

Mr. Schmidt commented that feedback from residents include fourteen letters in favor and four opposing, as well as discussing with a few concerned citizens, which most do not object to the proposed uses. Mr. Schmidt stated after reviewing this application, the applicant has met all town requirements and staff has not identified any negative impacts; therefore, recommends approval of the Conditional Use Permit zoning.

Don Vandiver, applicant, introduced himself to the commission and stated he would be happy to answer any questions they may have.

Vice Chairman Northcutt asked if a traffic assessment has been done. Mr. Vandiver replied that TxDOT doesn't require one to be done at this time.

Commissioner Flood stated that with the proposed plan being before the Stacy Road widening, she would like to see a cross access easement tied into the two-lane road east bound.

Commissioner Powell asked why there was one entrance versus two. Mr. Vandiver replied that TxDOT requirements would not allow, so the offset proposed is to provide spacing along Stacy Road. Commissioner Friend asked if a left turn lane would be put in by the town before the widening project. Mr. Chancellor responded that a traffic impact analysis will be done and at that time, they will check to see if a left turn lane is warranted.

Commissioner Friend asked what other day and times they are proposing for services. Mr. Vandiver replied that they have a youth auxiliary in the am hours starting at 6:00 a.m. to 6:50 a.m., Tuesday and Wednesday evenings they have service from 7:00-9:00 p.m. and Sunday service. Mr. Vandiver added that they have no mother's day out programs or day schools.

Vice Chairman Northcutt opened the public hearing.

Greg Smith, 751 Timberwood, stated he has lived in Fairview for over 27 years and supported the commercial development. Mr. Smith stated that he is not opposed to the church, but does not support changing the zoning at this time.

Marlow Ballard, 130 Horseshoe Bend, stated that she would like to this area to remain residential with no commercial.

John Balakian, 431 Oakridge Drive, expressed his concerns regarding the traffic and sewer system and the overall impact it will have to the environment and the areas nearby.

Brian Gelles, 680 Forest Oaks, stated he would like to see residential on the subject and is strongly opposed to the proposed project.

Angela Poen, 421 Oak Ridge Drive, stated her concerns regarding the detention pond, the smell regarding the aerobic system, lighting, and traffic.

Carolyn Camp, 761 Timberwood, stated she is opposed. She added anything other than residential would be affecting surrounding subdivisions.

Mike Burkhart, 620 Forest Oaks Court, expressed concerns of the aerobic system and traffic. He is opposed to the request.

Kerry Johnson, 530 Cottonwood Place, voiced concerns regarding traffic, but stated that there will be less impact having a church versus residential.

Ron Haus, 880 Foxdale, supports the request and stated it will bring more community activities to the area.

Carolyn Johnson, 631 Forest Oaks Court, stated she likes her neighborhood since it is quiet and safe. She would like the property to stay as is.

Phillip Walden, 381 Oakridge Court, is opposed to the request. He supports the residential and is also concerned with the aerobic system.

Terry James, 840 Quail Rise, stated he is a member of the church and believes it will have community value. Mr. James stated there will be an issue whether it's Stacy Road or somewhere else, but it provides more to the community.

Jay Jones, 360 Collinwood Drive, stated he supports the request and added that if they are in compliance with the town ordinances, land uses, and it's non-commercial, then they have a right to be there.

Lisa Foradori, 190 Horseshoe Bend, stated her main concern is traffic. She would like it to stay residential.

Neal Dandona, 411 Palomino Way, is opposed; prefers residential.

Joanna Harkins, 411 Oakridge Drive, stated her concern is the traffic backing up on the east side and is opposed to the request.

Dale Quenzer, 390 Forest Oaks, agrees with concerns previously stated, but traffic will only be bad until the road is widened. Mr. Quenzer supports this request.

Lori Moneta, 431 Oakridge, stated that the subject property is not a bad place for a church, but bad timing with the widening of Stacy Road.

Don Goodrich, 180 Horseshoe Bend, is opposed with traffic the main concern.

Shanice Haus, 880 Foxdale, supports the request and commented that traffic is inevitable, but Stacy is a thoroughfare, and the church is the best option.

Helen Dunham, 151 Horseshoe Bend, stated would like to keep residential and agreed with traffic concerns on Stacy Road.

JP Bains, 600 Forest Oaks Court, stated he moved to Fairview to get away from commercial.

Steve Muns, 280 Paddock Trail, believes there is a benefit to having the church at this site.

Mike Fry, 660 Forest Oaks, stated the problem with developing residential is that this area is in McKinney ISD and most people are looking to get into Lovejoy ISD. Stacy Road is a TxDOT road and growth is inevitable. Mr. Fry supports the request for the church and believes it will improve the neighborhood.

Don Vandiver addressed concerns of drainage and a left turn lane. Mr. Vandiver stated that they are required to retain current runoff rate; therefore, the detention basin is designed to hold water and discharge at a slower rate, which will improve the surface drainage. Mr. Vandiver also stated that they are not opposed to putting in a left turn lane and would do a study, but is waiting on TxDOT.

Chris Fry, 420 Horseshoe Trail, has traffic concerns.

Lance and Julie Dowd, 640 Forest Oaks, support the request and see the facility as a benefit from a long term perspective.

John Harkins, 411 Oakridge Drive, stated that he moved to Fairview for low density and questions if this request is approved, how property around it will be zoned. He also has a concern with traffic.

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

Commissioner Rushing stated that this property will not develop being zoned RE-1. The Comprehensive Plan designated areas for religious institutions and they are in areas not developed and there are no major roads. Commissioner Rushing stated that they cannot deny based solely on traffic concerns and the detention pond is required. He understands the feelings of the residents, but supports the application.

Commissioner Powell asked what happens to the properties on either side. Mr. Schmidt responded that it is standard practice to set up tie-ins so that future development will have openings. The more you have the better. TxDOT sets up cross axes.

Commissioner Friend stated that the residents have legitimate concerns. Commissioner Friend believes it's not a big concern placing the church there, and is not a good reason to deny it either.

Commissioner Flood stated she understands the concerns also. Mrs. Flood is concerned for the safety of the residents and requests that the line of sight be considered where the turn lane is placed. Mr. Chancellor commented that TxDOT will evaluate when the driveway location is done. The state has the option to move it.

Commissioner Rushing made a motion to approve a Conditional Use Permit (CU) zoning application for the provision of a religious institution. Commissioner Friend seconded that motion. Approved by a 3-1-1 vote. Commissioner Flood abstained and Vice Chairman Northcutt opposed.

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 expiration timeframe for the preliminary plan in the Planned Center Zone and the Concept Plan in the Planned Development and Commercial Planned Development District Zones.

Mr. Schmidt stated that at the May council meeting, the council approved a reduction in the expiration timeframe from five to three years. At that meeting, Commissioner Rushing suggested lowering it to a year. After discussion by council, they ultimately made the determination that a two year expiration timeframe with an option to request a one year extension would be the most appropriate action. Staff recommends approval off the request set forth by council.

Vice Chairman Northcutt opened the public hearing.

Mike Vanatta, 5141 Stream Crest Way, questioned if a developer has vested rights and when they expire. Mr. Schmidt replied that developers that already have vested rights retain the amount of years based on when they were approved.

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

The commissioners requested a list of all outstanding Concept Plans and what the timeframes are for each.

Commissioner Powell made a motion to approve an 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. Commissioner Rushing seconded that motion and the motion was unanimously approved.

4. Adjourn.

Vice Chairman Northcutt adjourned the meeting at 9:29 p.m.



Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Brad Northcutt
Brad Northcutt, Vice Chairman
Planning and Zoning Commission