MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JULY 11, 2013

Town Secretary, Michelle Lewis Sirianni called the meeting to order at 7:00 p.m. Commission members present were Pat Friend, Heather Hager, Renee Powell, Brad Northcutt, Jim Rushing, and Matthew Faulkner. Staff members present were Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Management Intern, Tyler Brewer and Town Secretary, Michelle Lewis Sirianni. Commissioner Debbie Flood was absent.

1. **Elect a Vice-Chairman.**

   By private ballot, commissioners elected Commissioner Rushing to serve as Vice-Chairman.

2. **Consider and take action regarding the minutes of the May 9, 2013 Planning and Zoning Commission meeting.**

   Commissioner Powell stated she called in a few corrections prior to the meeting.

   Commissioner Powell made a motion to approve the May 9, 2013 meeting minutes as amended. Commissioner Rushing seconded that motion and the motion was unanimously approved.

3. **Consider and take action regarding the minutes of the June 13, 2013 Planning and Zoning Commission meeting.**

   Commissioner Rushing stated that his name was not listed as being in attendance and made a few grammatical corrections within the minutes.

   Commissioner Friend made a motion to approve the minutes of the June 13, 2013 meeting minutes. Commissioner Rushing seconded that motion and the motion was unanimously approved.

4. **Conduct a public hearing, consider, and take any necessary action on a request to amend the Planned Center Zoning District for 430 S. State Highway 5, a 0.5-acre property specifically defined as Lot 1, LA Caldwells Dreamland Addition – 1st Installment, in order to add boutique retail as a permitted use.**

Mr. Schmidt stated that the applicant for the zoning change is Mr. Robert Camacho who is applying on behalf of his client, MGM Development LLC, and the future property owner, Kim-Loan McDuffie, a current resident of Fairview. Mr. Schmidt stated that the zoning change is to amend the permitted uses on the subject property and update the development plan and standards for the existing Planned Center Zoning District. The applicant is proposing to utilize an existing structure on the subject property to provide office space for a client-based clothing and accessories business and sales office for a custom made-to-order furnishings business. Mrs. McDuffie, the owner and founder of Trunk Retail, LLC, will utilize 40% of the 1,700 SF building for her clothing and accessories business. The concept of mobile, hands-on shopping caters to busy professionals and families that do not get the opportunity to shop. Much of Mrs. McDuffie's work is offsite and appointment based.

Mr. Schmidt stated the remaining 60% of the existing structure will be used as a sales office for a custom made-to-order furnishings business. The business is owned by Mrs. Whitney Lytle. She will use the property as a pick-up point for her local customers to order and pick up custom designed and hand-painted small furnishings. The painting and construction is done off-site. Mr. Schmidt stated this too is primarily appointment based.

Mr. Schmidt stated in 2005, the town re-zoned the property to allow for professional offices on the property. The uses proposed are similar in nature and do not constitute a significant change from the previous one. Mr. Schmidt provided information regarding vehicle access, traffic impact, right-of-way requirements, utilities and drainage. There are no major concerns with any of these items. There is no outdoor lightening being proposed and adequate parking spaces have been provided by the applicant. The applicant as part of the landscape requirements will be screening the parking area and privacy fence from SH 5 with oriental trees. There are currently existing canopy trees that will remain on the property as well. The applicant also intends to apply for a sign permit.

Mr. Schmidt stated staff received one written response supporting the request, and one written request opposing. Staff has reviewed the submittal thoroughly and recommends approval as submitted.

Chairman Northcutt opened the public hearing.

Ken McFaden, 501 Bluebird Lane, stated he is against the request, but if approved suggests parking to be at an angle with traffic entering off SH 5 and exiting on Bluebird due to several trees that could interfere with line of sight.

Robert Camacho, applicant, stated that since April 2013, he has received various inquiries regarding this property with proposals to use this space as a band rehearsal space, a candy store, daycare, a restaurant, a church, a landscape/flooring/roofing company, and a medical facility. Mr. Camacho stated that his client's proposed use is low impact and the use will be invisible to residents. They are planning on adding additional landscaping as well as upgrading the parking and fence areas. Mr. Camacho added that his clients have a strong willingness to meet the town's requirements.

Kim-Loan McDuffie, 1160 Stone Creek Drive, acknowledged that business hours will be during normal business hours during the day and understands the terms of usage.

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

Commissioner Friend stated he preferred no commercial along SH 5, but knows that will not happen, so in turn, would like to see the least obtrusive uses. Commissioner Friend suggested landscaping between the road and parking spaces if they had not agreed to do so already.

Commissioner Friend made a motion to approve an amendment to the Planned Center District in order to add boutique retail as a permitted use. Commissioner Rushing seconded that motion and the motion was unanimously approved.

5. **Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 3.00± acre tract of land situated in the Samuel Sloan Survey-Abstract No. 28 that is Zoned One-and-One-Half-Acre Ranch Estate (RE-1.5) and is generally located 1,600 feet south of Hart Road and east of the Oakwood Estates subdivision.**

Mr. Schmidt stated that the owner and applicant is Mr. Pat Hickey would like to subdivide his 3.0 acre property into two 1.5 acre lots to provide for an additional single family residence for his daughter and her family. The proposed subdivision would consist of two, 1.5 acre lots that would conform to the RE-1.5 zoning district. Mr. Schmidt stated in accordance with the town's subdivision ordinance, the applicant would be required to apply for a Preliminary Plat. Mr. Schmidt indicated that due to access and water utility issues on the property, the subject property does not conform to the subdivision regulations or zoning ordinance. Mr. Schmidt stated that much like other properties the commission has seen in recent months having similar emergency access and water utility shortcomings, the town will require Mr. Hickey to enter into a developer's agreement with the town in order to mitigate the risk associated with these conditions, and will continue to work with the applicant in regards to the developer's agreement; staff recommends approval.

Commissioner Faulkner asked if the water line will be finalized before the building permit is issued. Mr. Schmidt replied yes it would. Options were discussed as to where Mr. Hickey could tie into an existing water line and costs associated with doing so.

Commissioner Friend asked if both lots would be the same size. Mr. Schmidt replied yes they would. Mr. Hickey added that in hindsight, he should've split the lot into three lots initially, but the neighbors are all okay with doing the two.

Commissioner Powell made a motion to approve a Preliminary Plat for 1036 Hart Road. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

6. Receive a report from staff on the status of existing Concept Plans and Preliminary Development Plans throughout the town.

Mr. Schmidt stated at the last commission meeting, the commissioners requested an update of all existing Concept Plans and Preliminary Development Plans. Mr. Schmidt updated the commission on the following plans addressing the property history, the current expiration date, and feasibility of each plan.

- Fairview Concept Plan – initially approved in January, 2003 and expiring in January, 2015 consisting of 224 acres for multi-family units, office and retail space, 20 acres of open public space, and DART transit station. The plan is currently being marketed to developers and applications for development are imminent.

- Sakar Concept Plan – initially approved in March, 2005 and expiring in March, 2017 consisting of 11.39 acres for mixed-use structures that consist of office, retail, and townhome uses. The plan is currently being marketed to developers and applications for development are imminent.

- Kharrat Concept Plan – initially approved in September, 2004 and expiring in September, 2016 with an SUP existing until revoked by the town. The plan consists of 7.39 acres for mixed-use structures that consist of office, retail, and townhome uses. The SUP approved a 1.5 acre tree farm/greenhouse complex in the NE corner of the land. The plan is currently being marketed to developers and applications for development are imminent.

- CW Kendall Concept Plan – initially approved in November, 2001 and expiring in October, 2015. A Major Amendment was approved in October, 2009 and a Minor Amendment in May, 2012. The plan accommodates for 36 townhomes on a 6.5 acre tract. The plan is currently being marketed to developers and applications for development are imminent.

- Residence Inn Concept Plan – initially approved in June, 2013 and expiring in June, 2016. The plan consists of 2.76 acres and accommodates for a 119 room extended stay hotel. The developer intends to construct this facility in 2016.

- Davis Development Concept Plan – initially approved in July, 2013 and expiring in July, 2016. The plan consists of 24.4 acres and accommodates for 267 multi-family units. The developer intends to begin construction in early 2014.

7. Receive a report from staff on the establishment of a continuing education program for the commission.

Mr. Schmidt stated that he would like to introduce some training to the monthly meetings. The APA of Texas produced the *Guide to Urban Planning in Texas* in 2008. Mr. Schmidt stated he would like to pick a section from the guide and discuss it at the commission meeting(s). Mr. Schmidt commented that he believes this will help in dealing with unique cases within the town moving forward.

Commissioner's agreed and requested that this be the last item on the agenda.

8. **Receive a report from staff on the Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C.**

Mr. Brewer stated with the commissioners acting as the Tree Board, they must meet four times a year, with this being the first. The town staff is currently in the process of reviewing the town's Tree City USA status, which has four requirements. The town must have a legal entity that assumes responsibility for the care and management of the community's trees; must furnish an existing tree care ordinance for the community; show that the annual budget affords at least $2 per capita toward spending on projects and or related expenses; and, hold an official community event and proclamation for Arbor Day. Mr. Brewer indicated that town is still deliberating on the date and time for the Arbor Day proclamation and community event, but will continue to provide updates on the status of the application within the next three meetings.

9. **Adjourn.**

Vice Chairman Northcutt adjourned the meeting at 8:41 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Town Secretary

Brad Northcutt Chairman
Planning and Zoning Commission

TOWN OF FAIRVIEW