

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 8, 2013**

Chairman Northcutt called the meeting to order at 7:00 p.m. Commission members present were Pat Friend, Heather Hager, Renee Powell, Brad Northcutt, Jim Rushing, Matthew Faulkner, 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.

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

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

Commissioner Friend made a motion to approve the July 11, 2013 meeting minutes as amended. 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 a Conditional Use Permit 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 981 Briardale court, being Block A, Lot 8 of the Fairview Meadows subdivision.

Mr. Schmidt stated that the applicant for this item is Craig Kooda of gold Medal Pools and Outdoor Living, and is applying on behalf of the property owner, Tod Hanna. The current subject property contains a single-family residence and a 750 SF accessory building. The applicant is requesting to construct a 444 SF cabana in order to provide for an exercise room, additional storage, and an additional restroom adjacent to the pool. Mr. Schmidt stated that due to the size of the cabana, the required setback is 15' from any property line, but the applicant is providing for a 20' setback. The proposed building conforms to the town's height requirements for accessory buildings and will be consistent in design with the primary structure. Mr. Schmidt added that he has received four letters in support and one in opposition to the proposed accessory building. Town staff recommends approval as submitted.

Chairman Northcutt opened the public hearing.

Porter Hull, 1001 Briardale Court asked if the applicant was asking for a variance or if it was a zoning issue. Mr. Schmidt responded that the subject property is currently zoned One-Acre Ranch Estate (RE-1) and there will be no change in the zoning. The Conditional Use Permit (CUP) will serve as an overlay allowing the applicant to build the structure.

Scott Hopkins, 950 Engelnook Court, stated that there was work being done prior to requesting approval; therefore, is out of code, and if approved that they will be setting a precedent. Mr. Hopkins stated that he is opposed to the request due to violation of the town's code.

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

Commissioner Hager asked if the HOA has approved their request. Mr. Hanna, property owner responded yes they have.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) for 981 Briardale Court in order to exceed the accessory building footprint requirement. Commissioner Rushing 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 a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned Planned Center (PC) and is specifically located at 1011 Young Trail, being Lot 12 of the Collinwood Acres subdivision.**

Mr. Schmidt stated that the applicant needs to continue to work with staff in order to refine their building plans. Therefore, the request is not ready to be reviewed by the commission. Mr. Schmidt requested that the commission open the public hearing and allow it to be continued to the next meeting.

Chairman Northcutt opened the public hearing.

Commissioner Rushing made a motion to continue the public hearing to September 12, 2013 for the request of a Conditional Use Permit (CUP) for 1011 Young Trail in order to exceed the accessory building area and setback requirement. Commissioner Flood seconded that motion and the motion was unanimously approved.

4. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Special Use Permit in order to allow for the establishment of a Farmer's Market on a property that is zoned Commercial Planned Development District (CPDD) – Zone K, being Block A, Lot 5C of the Village at Fairview Addition.

Mr. Schmidt stated that the applicant for this request is Ms. Wendy Ellis of the MG Herring Group. The purpose of this SUP is to request to hold a farmer's market within the Village at Fairview. The proposed farmer's market will be located in the semi-circular parking area and access drive adjacent to the Purple Cow, Gloria's, the volleyball court, and the Community Garden. Mr. Schmidt stated that the market will be 20-50 vendors with 10x10 booths. All vendors will be required to have proper refrigeration, health and food service licenses, and sales and use permits at their booth. The applicant has coordinated with the town's economic development manager and health inspector to ensure all regulatory requirements are met for this event. Mr. Schmidt commented that no feedback has been received regarding this request. Town staff believes that any community friendly event can increase exposure of the development and over time become an asset to the town and the MG Herring Group; therefore, recommends approval of this request.

Chairman Northcutt opened the public hearing.

Wendy Ellis, applicant stated that farmers markets are commonly held in communities and can bring an increase of people into the development, and believe this could be a positive addition to the Village.

Commissioner Flood asked about the hours of operation, as well as the concerns of parking, and if they would be taking away from the shops currently open. Ms. Ellis responded that the proposed hours of operation will be Saturdays from 8:00 am – 3:00 pm and Sundays from 9:00 am – 2:00 pm, but could be shortened in the beginning until it is more established. Ms. Ellis stated that there is plenty of parking for current stores and those coming to the farmers market. The idea is that they will also spend time in the center and shopping or dining at the other stores and restaurants. The vendors will have assigned parking in a different area. Commissioner Flood suggested shorter hours of operation than proposed.

Commissioner Hager asked if they have considered using any other areas within the Village. Ms. Ellis responded yes they did and drove the entire center, but believe the area proposed will be the best location to start. Commissioner Hager stated that she believes this will be good for the town and suggested to consider

potentially moving the location if and when it becomes successful to another location within the Village.

Commissioner Faulkner stated that he believes this is a good way to drive traffic into other businesses and is a good idea.

Commissioner Rushing expressed a concern regarding the parking, but supports drawing business into the center.

Chairman Northcutt asked what type of signage if any they plan on using and how will they advertise the farmers market as well as communicating with the vendors. Mr. Schmidt responded that in regards to the signage there is nothing indicated that would require approval, and the town's economic development manager and the town's Health Inspector will be working with Ms. Ellis to ensure all vendors are legitimate.

Commissioner Powell asked when they anticipate opening. Ms. Ellis replied early September. Mr. Schmidt commented that council will still need to approve before opening, and it could be as early as the first or second weekend of September.

Commissioner Friend asked if they can ensure vendor parking to make sure they don't have any problems with customer parking. Ms. Ellis responded that during another event they were able to control and monitor this successfully; therefore, can assure the commission it will not be a concern.

Commissioner Powell made a motion to approve a Special Use Permit (SUP) in order to provide a temporary farmer's market in the Village at 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 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 applicant and property owner of the request is Mr. Pat Hickey. The purpose for this request is to subdivide his 3.0 acre property, which currently contains one single family residence on the southern portion of the property and is the property owner's current residence. The property owner is

proposing to subdivide the property into two 1.5 acre lots in order to provide for an additional single family residence. Mr. Schmidt stated the property does contain access and utility issues and would require a developer's agreement to be established between the town and Mr. Hickey to help mitigate the risk associated with these development conditions. Town staff is currently drafting this agreement, but it would include the following components in accordance with the submitted plans: a fire apparatus hammerhead turnaround point, to extend an 8" water line and install at least one fire hydrant on the property, and install a fire sprinkler system in all new residential structures. This agreement would bind Mr. Hickey to perform this work prior to receiving a building permit approval from the town. Mr. Schmidt stated town staff recommends approval of the Final Plat conditioned upon the establishment of a developer's agreement that accounts for the items referenced within the developer's agreement.

Commissioners had no further questions or comments.

Commissioner Powell made a motion to approve a Final Plat for the Hickey Addition conditioned upon the establishment of a developer's agreement that accounts for the extension of water utilities, the installation of a fire apparatus hammerhead, and the installation of a fire sprinkler system in the future residential structure on Lot 1. Commissioner Rushing seconded that motion and the motion was unanimously approved.

6. Receive a presentation from staff on the planning process.

Mr. Schmidt stated due to five out of the seven commissioners attending a recent conference that was held by the gentlemen that wrote the article they read, he will not go into further details, but provided the commissioners with a presentation that was given at the conference.

Mr. Schmidt stated that at the next meeting, he would like to discuss establishing formal procedures and defining structure for their meetings. Mr. Schmidt asked the commissioner's to bring back ideas to the next meeting for discussion.

7. Adjourn.

Chairman Northcutt adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Michelle Lewis Sirianni
Town Secretary

Brad Northcutt
Brad Northcutt Chairman
Planning and Zoning Commission

