MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 12, 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 August 8, 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 August 8, 2013 meeting minutes as amended. Commissioner Rushing seconded that motion and the motion was unanimously approved.

2. **Conduct a public hearing, consider, and take any necessary action on a request to Replat an 8.480± acre tract of land that is zoned Commercial Planned Development District (CPDD), Zone K, and is generally located east of Convention Drive and north of Murray Farm Road, being Lot 2R, Block A, of the Village at Fairview – North Addition.**

   Mr. Schmidt stated that Mr. Ajay Desai, the applicant is applying on behalf of the property owner. The purpose of this Replat is to subdivide the existing lot into two lots in order to facilitate the sale of real property. This plat is a mechanism to facilitate the subdivision and sale of land.

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

   Chairman Northcutt opened discussion to commission members. No comments were made.

   Commissioner Powell made a motion to approve a Replat for Lot 2R, Block A, North Addition. 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 an amendment to the Blue Grass Farms Subdivision Zoning Development Plan and a Replat of Lot 17R of the Blue Grass Farms Subdivision, a 14.3516± acre property that is zoned Planned Center (PC), generally to subdivide the property in order to create four single-family residential lots.**

Commissioner Rushing stated that this item was a conflict of interest and left the room.

Mr. Schmidt stated that the applicant, Mr. Mark McGuire is requesting to subdivide Lot 17R in order to create four single-family residential lots. The subject property is 14.3516± acres, undeveloped, and currently zoned Planned Center (PC). The proposed subdivision would consist of four lots that conform to the use and area requirements of the Blue Grass Farms PC zoning district. Mr. Schmidt stated that in order to develop the subject property as proposed, the only planning and zoning requirement would be the approval of this application. Mr. Schmidt commented on the properties access, utilities, trees, and parkland conveyance. It will be recommended that the town accepts cash in lieu of land for this development. Mr. Schmidt stated that he has received one letter in opposition and several in favor of this request.

Chairman Northcutt opened the public hearing.

Terry Alderson, 560 Kentucky, stated he is in favor of this request.

Guy Wormald, 926 Medina, stated that he knows several residents that abutt the property line and they are also in favor of this request.

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

Commissioner Friend asked if there was an existing berm adjacent to Heritage Ranch. Mr. Wormald replied that there is an existing berm and is more within the flood plain and then levels off near the property.

Commissioner Friend made a motion to approve an amendment to the Blue Grass Farms Subdivision Zoning Development Plan and a Replat of Lot 17R of the Blue Grass Farms Subdivision to subdivide the property to create four single-family

residential lots. Commissioner Flood seconded that motion and the motion was unanimously approved with a 6-0 vote. Commissioner Rushing did not vote.

Commissioner Rushing reentered the room.

4. **Conduct a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for three tracts of land comprised of 57.018± acres and situated in the Robert Fitzhugh Survey, Abstract No. 317, and generally located north of Stacy Road and 450' west of Kentucky Lane, which are currently zoned Agriculture (AG) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District, generally, in order to initiate a development comprised of thirty-four (34) single-family residential lots.**

Mr. Schmidt stated the applicant for this request is Michael Dewers and is applying on behalf of the current property owners, the Molodow's and the Tolle's. Mr. Schmidt stated that the purpose of this zoning change is to amend the land use designation and zoning for three tracts of land, which is currently zoned Agricultural (AG) and undeveloped. The applicant is requesting a zoning change to the Planned Center Zoning District (PC), in order to initiate a development comprised of 34 single-family residential lots that are at least 1.5 acres is size. The proposed 57.018± acres development is comprised of a 27.874 acre tract and a 1.065 acre tract owned by Mrs. Tolle, and a 28.065 acre tract owned by Mr. Molodow. The proposed development would provide for 50' of public ROW and depending on the Park Board's recommendation, the development could lose a lot in order to provide for public park land. Mr. Schmidt explained that if the application is approved, it would require an amendment to the Future Land Use Plan and the Zoning Map, and would rezone the Preliminary Plan to the PC Zone. Mr. Schmidt discussed the aspects of the property including utilities, drainage, landscaping, and parkland conveyance. Mr. Schmidt stated that the residents residing on Farmstead are opposed to the potential cut through as traffic would increase and would become a pass thru for traffic. Mr. Schmidt stated that the Blue Grass Farms subdivision and Country Side are also heavily opposed to this request. Mr. Schmidt requested a recommendation from the commission regarding this request and asked them to consider what they would like their neighborhoods to look like, as well as consideration for smaller lot sizes due to more homeowners maintaining the same amount of land, the development would likely have more trees and higher quality landscaping.

Mr. Brownly, a representative from K. Hovnanian Homes stated that the houses would be 3500-5000 SF in size with a mix of one and two story homes on 1.5 acre lots with a market price starting at $700,000. They feel they would offer and meet the standards that the town looks for in a neighborhood.

Chairman Northcutt opened the public hearing.

Mike Weaver, 481 Homeplace, stated he is not opposed to the request, but is concerned that since everything surrounding it is RE-2 or RE-3 that there will be a big architectural difference. Mr. Weaver requested to keep Farmstead the way it is and use it as an emergency access only.

Trent Ballew, 531 Kentucky, stated that his main concern is the size of the lots due to surrounding lots being mostly 2-3 acres with lots of cattle and horses. Mr. Ballew stated that he is not against development, but would like consistency with lot sizes.

Christine Rees, 1161 Farmstead, stated that she worries about safety for kids playing in the street. Mrs. Rees stated her main concern is the potential increase in traffic, especially with Hwy 5 currently being closed.

Jake Seale, 480 Homeplace, stated his concern is the safety, especially with the children that play in the streets. He would like to see the integrity of the neighborhood preserved.

Randy Smith, 691 Glenwood Circle, suggested using a gate as a way to resolve the issue.

Steve Hammons, 471 Kentucky, stated his concern is the size of the lots. He is in favor of development, but would like to see the zoning consistent with surrounding zoning.

Patrick Rees, 1161 Farmstead, requested to keep Farmstead as an emergency access point only.

Chris Smith, 470 Country Club, stated that he is not against development, but is concerned with the changing the look of the area, traffic, making Farmstead a through street, and safety on the streets. Mr. Smith stated he prefers the zoning to be for 2 acres plus and Farmstead as an emergency access.
Jeff Reinhard, 1171 Stacy, stated that he is in favor of the two-acre zoning (RE-2) to the one and one-half acre (RE-1.5). He supports the request and believes it will have a positive impact.

Mark Molodow, 431 Kentucky, stated Fairview is growing and that the growth will increase their tax base, which he believes is a positive element for the town.

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

Commissioner Friend stated that the commission was evaluating if they should rezone this subject property and questioned if it was too soon to be discussing gates and access points to Farmstead, which he believes would provide better access for public safety.

Commissioner Powell stated that she would prefer to keep larger lots on this subject property and keep the zoning consistent with surrounding lots. She added that the school district is also opposed due to the increase in school population.

Commissioner Rushing stated the higher density is an issue and emergency gates are used all the time in similar situations.

Commissioner Hager asked the developer if they have considered RE -2 at all or a combination of RE-1.5 and RE-2 lots in order to have more appeal with variation by using the elevation of land.

Chairman Northcutt stated that he would prefer non-cookie cutter homes, and more of a custom feel with landscape characteristics. Chairman Northcutt also asked the developer if he would consider using an average of two acre lots on the subject property.

Commissioner Friend asked if the zoning is kept at RE-2 what is the company's position on the project. K. Hovnanian Homes would pull themselves from the project.

Commissioner Faulkner asked with the price point of the homes if they have considered having a gated community. Mr. Schmidt replied that the town restricts gated communities and therefore they would not be able to consider this option.

Commissioner Rushing made a motion to deny without prejudice the request to amend the land use designation and zoning for three tracts of land comprised of 57.018± acres in order to initiate a development comprised of thirty-four (34) single-family residential lots. Commissioner Powell seconded that motion. The motion passes with a 5-2 vote. Commissioner Hager and Faulkner were not in favor of this motion.

5. **Continue 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 application is not ready and recommended continuing the public hearing to the October meeting.

Chairman Northcutt asked if there was anyone present that would like to speak regarding this item. No public comments were made and the public hearing remains open.

Commissioner Flood made a motion to continue the public hearing to October 10, 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 Faulkner seconded that motion and the motion was unanimously approved.

6. **Conduct a public hearing, consider, and take any necessary action on a request for an approval of a Site 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 applicants for this request are Mr. Fred Hazel, VP of Davis Development, and Hugo Morales, the project engineer of Kimley-Horn. Mr. Schmidt stated that the Site Plan identifies location of buildings, parking, utilities, landscaping, and building characteristics. Mr. Schmidt added that upon review of the tree survey that was submitted, staff has identified some trees adjacent to the trail and in some undeveloped parts of the development that could potentially be reserved, and would like to further explore with the commissioners approval. Mr. Schmidt stated that the components of this Site Plan conform to the town's zoning requirements and design guidelines. Mr. Schmidt discussed the various components of this Site Plan with emphasis on the façade plan. The applicant is seeking a variance from the town's requirements that all buildings within the CPDD are comprised of 90% masonry. The submittal provided by the applicant provides for 75% masonry with over 20% being stone. They believe that using different materials will be more appealing and provide for more

architectural detail. Mr. Schmidt stated staff recommendation is to approve the Site Plan with the following conditions: modification of the façade plan to address staff and commission comments, increased detail with the landscape plan by providing a typical planting plan for a three story and two-story type, and a berm, and modification of the tree removal plan in order to potentially protect several mature trees.

Chairman Northcutt opened the public hearing.

Scott Whigham, 640 Merlot, stated that his concerns are the construction trucks and where and how they will enter the site. Mr. Schmidt replied they would access off of Hwy 5.

Brian Johnson, 481 Windmill Lane, stated his concern is traffic on Hwy 5 and only having one entrance to the apartments. Mr. Johnson suggested having an entrance on the back end near the railroad tracks.

Fred Hazel, VP of Davis Development stated that the main changes they've made to the plan based on the commissioner's recommendations are that they enhanced the elevations by adding stone, added architectural features to the buildings, and are looking to potential save some trees.

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

Commissioner Flood, Faulkner, and Powell stated that they are okay with the plan. Commissioner Rushing agreed as long as there was no stucco being used.

Chairman Northcutt stated that he is drawn to the 90% masonry. Commissioner Hager agreed and commented that she believes more elements can be added to the elevations.

Commissioner Friend stated that he has no problems with the materials as long as they are hardy materials and believes that the contrasting look has more appeal.

The commissioners discussed the percentage of materials on the ¾ split and four story buildings versus the two-story buildings. The consensus was to recommend that on the ¾ split and four story buildings only have to use 75% or more masonry and the two-story buildings use 90% or more masonry with vertical and horizontal articulation on the four story buildings with architectural deviation detail.

The commissioners also agreed that in regards to the landscaping that they preserve tree groupings, identify trees that can be preserved, and place larger trees along Hwy 5, the streetscape and adjacent to Fairview Ranch Estate with the intent that the developer moves forward by working with staff.

Commissioner Friend made a motion to approve the Site Plan for the Davis Development conditioned upon the items as listed above in regards to the building materials/façade, and landscaping. Commissioner Rushing seconded that motion and the motion was unanimously approved.

7. **Receive a report from staff on the status of recent planning cases and the CPDD Master Plan Update process.**

Mr. Schmidt stated that Jacobs was selected to assist the town with the updating of the towns CPDD. Mr. Schmidt stated that the commission should expect additional meetings and that town staff is looking to have a joint meeting with town council on October 24th regarding the Future Land Use Plan (FLUP).

8. **Receive a presentation from staff on meeting protocol.**

Mr. Schmidt asked the commission to review the handout they were given and provide any feedback and he will look to provide a draft on meeting protocol at the next meeting.

9. **Adjourn.**

Chairman Northcutt adjourned the meeting at 9:51 p.m.

Respectfully submitted,

Michelle Lewis Sirianni
Town Secretary

Brad Northcutt Chairman
Planning and Zoning Commission