

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, OCTOBER 10, 2013**

The Planning and Zoning Commission met in regular session on Thursday, October 10, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Pat Friend, 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. Commissioner Heather Hager was absent.

Chairman Northcutt called the meeting to order at 6:31 p.m. and declared a quorum was present.

The commission then adjourned into executive session at 6:32 p.m. to consult with legal counsel regarding pending or contemplated litigation.

At 6:56 p.m. Chairman Northcutt reconvened back into regular session.

1. Consider and take action regarding the minutes of the September 12, 2013 Planning and Zoning Commission meeting.

Commissioner Powell and Rushing stated they called in a few corrections prior to the meeting.

Commissioner Flood made a motion to approve the September 12, 2013 meeting minutes as amended. Commissioner Rushing seconded that motion and the motion was unanimously approved.

2. Statement of rules.

Mr. Schmidt addressed the format and guidelines for a public hearing item. Mr. Schmidt stated that the staff will give their report/presentation prior to opening the public hearing. The Chairperson will open the public hearing and request the applicant to speak first. Following the applicant presentation, the commission shall receive input from other members of the public who wish to address the commission with a time limit of up to three minutes in duration. Upon closing of the public hearing, the Chairperson will grant the applicant time to address any issues brought up during the public hearing, and then will deliberate the case.

- 3. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for a religious institution on a 10.672± acre property located within the John A. Taylor Survey-ABS No. 909, that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 1,400 feet west of Meandering Way.**

Mr. Schmidt stated that the applicant for this request is Mr. Glen Brechner, Executive Director of Chase Oaks Church. The Conditional Use Application is to allow for a religious institution. The Fairview congregation currently leases Sloan Creek Intermediate in order to hold two Sunday services each week. The proposed facility would be comprised of a 37,000 SF worship center and education building, and a 3,000 SF recreation building. The worship center would provide for a 500 seat sanctuary, classrooms, administrative offices, common area/event space, and a café. The proposed recreation building would provide for event space and a lounge/game room. Additional proposed improvements include a walking trail, play courts, and playground amenities. Activities will take place at the church on Sundays and will have various group activities during the week. Mr. Schmidt stated the CUP process would allow the applicant to develop within a residential zoning district. The property would retain a base zoning of RE-1. Mr. Schmidt provided an overview of the traffic impact, right-of-way, utilities, drainage, parking, lighting, landscaping, and building façade materials. Mr. Schmidt recommended approval of this CUP application with the following conditions: (1) establishment of educational, daycare, or other similar accessory or non-accessory uses shall not be permitted by right, and instead shall review of the CUP in the form of public hearings before the Planning and Zoning Commission and Town Council; (2) any modification to the worship center that increase the sanctuary seating capacity beyond 500 seats shall require review of the CUP in the form of public hearings; (3) a traffic impact study shall be completed during the plat application process. The property owner shall implement the recommendations of the study for any appropriate and necessary mitigation measures such as deceleration lanes, as approved by TxDOT; (4) the property must be served by the City of Allen sanitary sewer system. If any alternative sewage collection system is proposed, the town shall require review of the CUP in the form of public hearings; (5) the property owner shall finance the construction of a left turn lane for eastbound traffic within the future Stacy Road median that shall front the subject property; (6) the property owner shall provide cross access and a secondary emergency access point through the adjacent property to the east; (7) the property owner provide additional buffering and/or landscaping to adjacent properties on the south side and adjacent to Stacy Road; and, (8) provide additional parking adjacent to Stacy Road.

Chairman Northcutt opened the public hearing.

Glen Brechner, applicant, 420 Fox Trail, stated that they currently have three locations. They are one church in multiple locations. The church is trying to establish a permanent home in the town.

Stephen Picard, Good Fulton & Farrell Architects, stated that they have worked closely with staff. They will salvage as many trees as possible in order to create minimal impact on the site and so that it blends into the property. Mr. Picard stated that they will be extending the trail system for the community to use and will be accessible along the perimeter. The property will contain a worship center, rain water cisterns to collect water on the north and south side and open space on the east side of the property.

Mike Burkhart, 640 River Oaks, stated he is opposed. He does not like it within a residential area and questions the law statutes for designated areas of use.

Maureen Honeycutt, 700 Forest Oaks, stated that historically churches were in residential areas and that people used to walk to them. Mrs. Honeycutt stated that she believes the land to the east is commercial and she does not want the church there; therefore is opposed.

Joe Bains, 600 Forest Oaks, stated he is opposed due to traffic and does not want a church in that area.

Dan Danridge, 651 Lakeridge, stated he is a member of the church and part of the project management team. He is excited about the project and being in Fairview. He believes it will be a positive asset.

Lou Morelli, 541 Ashwood Lane, stated that it will bring community involvement and participation in helping schools, etc. He is in favor.

John Goodman, 571 Stacy Road, property owner stated that he had received many offers on his property. He believes the church will be a good neighbor and supports the CUP.

Brain Holmes, 890 St. James, stated he supports the request.

John Villarreal, 380 Ashwood Lane, stated he is a member of the church and enjoys living in Fairview. Mr. Villarreal supports the request.

Ronda Bobbitt, 310 Hawkswood, stated her concerns are the outdoor lighting and the playground area.

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

Commissioner Flood asked if the playground would be fenced. Mr. Picard responded that yes it will be fenced.

Commissioner Rushing asked if there will be windows on the north side. The north side elevation was displayed for the commission. Commissioner Rushing stated that all churches are off a main road and close to residential.

Commissioner Powell asked if the lighting conformed to the town ordinances. Mr. Chancellor responded that the lighting does conform. The building will have lights that direct down onto the building similar to Noah's and the parking is using a LED source.

Commissioner Friend stated that religious institutions have statutory rights at the federal and state levels and based on this application, they've been given no reason not to approve.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) application for the provision of a religious institution with the 8 conditions as stated above in addition to the following: additional buffering will be added to the parking area and concrete will be used for public and emergency access. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

- 4. Continue a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) 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 Mr. David Holloway is the property owner and applicant for this Conditional Use Permit (CUP) application. Mr. Holloway is proposing to install a 1,200 SF metal building with an 800 SF attached covered parking area, and is requesting a decrease in the side and rear yard setbacks from 30' to 15'. Mr. Schmidt stated that it is not uncommon to exceed the accessory building area and setback requirements and this request would adhere to surrounding

environment. Mr. Schmidt stated that staff notified adjacent property owners and has received one letter of support and no letters of opposition. Mr. Schmidt stated that staff recommends that the commission work with the applicant to reduce the overall footprint of the structure to a footprint that is no greater than 1,500 SF; and increasing the proposed side yard setback at the western property line. The property is heavily treed and has a substantial buffer; therefore, no additional landscaping would be needed.

Chairman Northcutt opened the public hearing.

David Holloway, property owner and applicant stated that he would like the building in order to store extra lawn equipment, a boat, four wheelers, etc. Mr. Holloway stated that he spoke with his neighbors regarding his request and everyone was in support.

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

Commission members discussed the proximity of the proposed building to the property lines and a 15' versus 20' yard setback, as well as the size of the building.

Commissioner Powell made a motion to approve a Conditional Use Permit (CUP) for a 1,200 SF metal building with an 800 SF attached covered parking area with a 15' side yard setback. Commissioner Rushing seconded that motion and the motion was unanimously approved.

- 5. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 261 Wyndham Court, being Lot 14, Block 3 of the Summer Hill Farms subdivision.**

Mr. Schmidt stated that Mr. David Pavelock, the property owner and applicant is requesting to construct a detached garage for hobby and storage use. The subject property is 1.5 acres in size and is currently zoned One-acre Ranch Estate (RE-1). The applicant is requesting a CUP in order to exceed the maximum accessory building footprint for the subject property by building a 1,240 SF detached garage. This exceed the permitted accessory building footprint by 340 SF. Mr. Schmidt stated the subject property is extensively landscaped and this new structure will be well-screened from the view of adjacent properties. The town notified all property owners within 500 feet and one letter of support was received. Mr. Schmidt stated that town staff recommends approval.

Chairman Northcutt opened the public hearing.

Mr. Pavelock, owner and applicant stated that they would like some additional storage. The garage would match the brick of the house and fit well into the neighborhood. Mr. Pavelock stated he spoke with some of his neighbors and they are okay with his request.

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

Commissioner Faulkner asked if the HOA has approved this request. Mr. Pavelock responded that yes they have.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) for a detached garage. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 6. Conduct a public hearing, consider, and take any necessary action on a request to amend the land use designation and zoning for Lot 4 of the Country Club Estates subdivision, a 2.85± acre lot which is currently zoned Two-Acre Ranch Estate (RE-2) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, and generally located at the southeast corner of Country Club Road (FM 1378) and Red Oak Trail; to the Residential Estate (RE) land use designation and the One-Acre Ranch Estate (RE-1) Zoning District, generally, in order to add an additional single-family residential lot.**

Mr. Schmidt stated that the applicant is requesting to rezone this property in order to enable the property to be replatted to subdivide into two lots. When the subdivision was first established, deed restrictions were also established that limited a lot owner's ability to replat their property in order to create additional homes sites on smaller lots. As a result, the town cannot approve a replat application for the subject property unless the applicant receives a variance for said deed restrictions. Mr. Schmidt requested the commission leave the public hearing open and leave open to provide the applicant an opportunity to petition the adjacent property owners for a variance for the deed restrictions.

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

Commissioner Rushing made a motion to keep the public hearing open to January 9, 2014. Commissioner Powell seconded that motion and the motion was unanimously approved.

- 7. Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.00± 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 the Shady Brook Lane and Meandering Way intersection.**

Mr. Schmidt stated that Mr. Byron McCollum is applying on behalf of the current property owner, Gene Payne. The purpose of this Final Plat is to create a two lot subdivision for a 2.0 acre property. Mr. Schmidt stated that the applicant is required to apply for a Minor Plat approval prior to submitting a Final Plat. However, since this proposed subdivision creates fewer than four new lots and does not create any new public streets, a minor plat, which is approved by the Town Manager, can be submitted in lieu of a preliminary plat. Mr. Schmidt stated that the plat application conforms to the town's zoning requirements and subdivision regulations; therefore, the town is bound by state law to approve this plat.

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

- 8. Receive a report from staff on the status of recent planning cases.**

Mr. Schmidt stated that all previous cases were approved by the Town Council, except for the K Hovnanian case, which was tabled to their November meeting.

A joint meeting with council will take place on Thursday, October 24th to discuss the Land Use Plan and policy direction.

- 9. Adjourn.**

Chairman Northcutt adjourned the meeting at 8:51 p.m.

Respectfully submitted,

Michelle Lewis Sirianni

Michelle Lewis Sirianni
Town Secretary

Brad Northcutt

Brad Northcutt Chairman
Planning and Zoning Commission

