

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 14, 2013**

The Planning and Zoning Commission met in regular session on Thursday, November 14, 2013 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Pat Friend, Heather Hager, 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, Management Intern, Tyler Brewer, and Town Secretary, Michelle Lewis Sirianni. Commissioner Renee Powell was absent.

Chairman Northcutt called the meeting to order at 7:00 p.m. and declared a quorum was present.

1. Consider and take action regarding the minutes of the October 10, 2013 Planning and Zoning Commission meeting.

Commissioner Flood made a motion to approve the October 10, 2013 meeting minutes. Commissioner Friend 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 to amend the land use designation and zoning for a 32.668± acre tract of land situated in the Samuel Sloan Survey, Abstract No. 791, and generally located north of Hart Road and 500' west of Beechwood Lane, which is currently zoned Three-Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the One-Acre Ranch Estate (RE-1) Zoning District, generally, in order to initiate a development that would be generally comprised of twenty-five (25) single-family residential lots.

Mr. Schmidt stated that the applicant for this zoning change is Mr. Martin Raymond of Martin Raymond Custom Homes and is applying on behalf of the property owners Mark and Morgan Stoddard. The proposed development would provide for 25 single-family homes and various common areas that provide for open space and landscape buffers. If approved the commission would be rezoning the subject property which is currently zoned RE-3 and categorized as Residential Estate Country on the Future Land Use Plan to One-Acre Ranch Estate (RE-1). Mr. Schmidt stated that when the town initially adopted its Comprehensive Plans in 1995 and 2005, this property was designated for one-acre lot residential development. In 2008, the town updated the Future Land Use Plan in order to re-designate this property as Residential Estate Country. Mr. Schmidt outlined the land use and zoning of the surrounding properties as well as vehicle access, right-of-way requirements, utilities, drainage, landscaping, and parkland conveyance.

Mr. Schmidt stated in regards to public input, he received 17 letters of opposition that are within the 500 feet, 13 letters of opposition from those outside of the 500 foot, 2 letters of support with one being inside the 500' and one outside of the 500', and no communications received by the ISD. Mr. Schmidt asked the commission to make a recommendation on this request.

Chairman Northcutt opened the public hearing.

Marty Raymond, Martin Raymond Custom Homes and applicant, stated that they are a full custom home builder. Mr. Raymond stated that he has discussed with the homeowner about one acre lots since the subject property is surrounded by one acre lots. Mr. Raymond stated that he is open to suggestions and commented that their homes will have a value of \$900,000 and believes they would be an asset to the community.

Mark Stoddard, 930 Country Club, property owner, stated that he was under the impression that the property was zoned RE-1. Mr. Stoddard stated that they felt it was time to sell even though he has already moved off of the property. Mr. Stoddard stated that he would appreciate any consideration.

Wynn Allen, 102 Hart Road, stated that he would like the property to stay RE-3 with the openness and green spaces.

Leslie Knight, 841 Beechwood, stated she would like it to remain at three acres as the town's master plan indicates.

Michael Pezzulli, 880 Country Club, stated that he is the most impacted by the property. Mr. Pezzulli stated that he is not opposed to development, but his concern is the overall impact on the surrounding community.

Wayne Spence, 1041 Country Trail, stated he is vigorously opposed until a traffic plan is done.

Claudia Salinas, 900 Hart Road, would like it to remain three acres as well as concern for the traffic on Hart Road.

Elise Robinson, 821 Beechwood, stated her concern is the ongoing development and population shift. She would like to see the openness and country feel maintained.

Brian Andrews, 861 Beechwood, stated that he would like to see the zoning stay the same at RE-3. The only benefit is the money for the schools.

Maurice Laverdure, 881 Beechwood, would like it to remain RE-3 and presented signatures from the HOA that are opposed of this request.

Bruce Kelly, 800 Country Club, stated that three acres are not as valuable as one acre lots. Mr. Kelly stated the town's zoning map is not reflective of current zoning of what's there today. He would like there to be consistency and is opposed based on the denial of his request nine months ago.

Tom Greenwald, 871 Beechwood, stated that the town should stay with the plan and maintain the RE-3 zoning.

Danny Gremillion, 851 Beechwood, stated that he was at the meeting in 2007 that the commission wanted to keep the RE-3 zoning. The RE-1 zoning is inappropriate.

Stephanie Hunt, 980 Briardale, stated her concern is the traffic along Hart and Country Club Road. She would like the property to stay zoned RE-3.

Jim Hathaway, 971 Hart Road, stated he knew there would be development, but would like the zoning to be upheld.

Barbara and Gary Isaacs, 811 Beechwood, stated they would like the property to remain RE-3. They would like to see some green belt areas and consistency with other neighborhoods.

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

Commissioner Rushing stated that he cannot support the request. He would like it to remain RE-3.

Commissioner Faulkner asked why the RE-2 and RE-3 zoning will not be supported. Mr. Raymond replied that it is the cost to develop and that they would be pricing themselves out of the market.

Commissioner Flood stated that she is not in favor of changing the zoning, but believes there is a market for two acre properties.

Commissioner Friend agreed with Commissioner Flood. He would like the town to maintain the density as it is zoned.

Commissioner Hager stated she agrees with all that has been said. She is hesitant to reevaluate the plan, but believes they should strengthen the language of the values and focus on the CPDD.

Chairman Northcutt stated that they should look at the uniqueness of each property and encourage builders to be creative using open spaces, trails, etc.

Commissioner Friend made a motion to deny without prejudice a request to amend the land use designation and zoning for a 32.668± acre tract of land that is generally located north of Hart Road and 500' west of Beechwood Lane, which is currently, zoned Three-Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC). Commissioner Rushing 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 Concept Plan for a proposed office development of a 3.4± acre tract of land situated in the John Taylor Survey – Abstract No. 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located at the northeast corner of the State Highway 5 and Lakeridge Drive intersection.**

Mr. Schmidt stated that the applicant for this request is Mr. Bryon Reid, President of M Christopher Homes and is applying on behalf of the property owners Troy McGee who owns the two acre tract and Mosaic Christian Fellowship Church who own the 10.3 acre tract. The purpose of this Concept Plan is to provide for a

conceptual layout for a proposed four building office development for general office uses, which is a land use that is permitted by right under the current zoning. M Christopher intends to occupy the Phase 1 building and the tenants for the other three have yet to be determined. Mr. Schmidt outlined the surrounding zoning and land uses as well as vehicle access, traffic impact, utilities, parking, and landscaping. Mr. Schmidt stated that staff received two letter of support and one in opposition to this request. Town staff recommends approval of this Concept Plan conditioned upon the provision of a 10' landscape buffer at the southern boundary of Phases 2 and 3, and the eastern boundary of Phase 4, and the provision of building foundation planting areas for at least 30% of each building's perimeter.

Chairman Northcutt opened the public hearing.

Mr. Reid, applicant, stated that the intent is that the first building will be their corporate office, and to conform to the uses designated.

Matt Richardson, 581 Bluebonnet, stated he is concerned about SH 5 and the traffic and having turn lanes.

Frank Moore, 412 Plumwood Way, stated his concern is drainage and protecting against mosquitos.

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

Commissioner Friend asked if they are doing Phase I and II first and building height of each. Mr. Reid replied that Phase I and IV are one story buildings and Phase II and III are two story buildings. The rooflines on I and IV will not have an impact and will be using lots of stone.

Commissioner Flood stated that she believes it will be a nice fit for the area.

Commissioner Rushing stated that he cannot support this request. Commissioner Rushing stated that in his opinion, every piece of commercial along SH 5 will delay Fairview Parkway, and is concerned about the commercial area being empty.

Chairman Northcutt asked how they will get water to a retention basin and why they chose this area of town over another. Mr. Reid responded that they will use a culvert for the drainage and they own part of the property and feel that it would be a good fit for the area.

Commissioner Friend made a motion to approve a Concept Plan for a proposed four building office development located at the northeast corner of SH 5 and Lakeridge Drive, conditioned upon the provision of 10' landscape buffer at the southern boundary of Phase 2 and 3, and the eastern boundary of Phase 4, and provision of building foundation planting areas for at least 30% of each building's perimeter. Commissioner Flood seconded that motion. The motion passes with a vote of 5-1 with Commissioner Rushing opposing.

- 5. Conduct a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed office and retail development on a 6.013± acre tract of land situated in the John Taylor Survey – Abstract 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located east of the State Highway 5 and Fairlanding Avenue intersection.**

Mr. Schmidt stated that the applicant for this Concept Plan has requested to postpone to the next regular scheduled commission meeting in December.

Commissioner Faulkner made a motion to table a Concept Plan for a proposed office and retail development until date certain of December 12, 2013. 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 for approval of a Conditional Use Permit (CUP) in order to allow for an accessory structure on a 2.00± acre property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 330 Kentucky Lane, being Lot 3 of the Roberts Addition to the Town of Fairview.**

Mr. Brewer stated that the subject property is two acres in size and currently contains one single-family residence and no accessory structures. The applicant and owner, Mr. Rob Ficken is requesting to exceed the maximum accessory building footprint by 600 SF by building a 60' x 40' workshop/storage building. The applicant is also requesting a reduction in the roof pitch from 4:12 to 2:12 along with locating the building approximately 25' from the primary structure, while the town requires a setback of 40'. Mr. Brewer notated that with the proposed request the total lot coverage would come to 12%, which is still well below the 25% maximum. Mr. Brewer stated that the town has only received one letter of opposition regarding this request and is asking the commission to make a recommendation on this CUP application.

Chairman Northcutt opened the public hearing.

Mr. Ficken, applicant and property owner, stated that he would like to have an area to store items as well as work on projects such as restoring old cars and tractors. Mr. Ficken stated that what he is proposing would match existing neighbors and felt that it would fit in with the others. He respectfully asked for approval of his request.

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

Commissioner Flood asked if he was adding any additional landscaping. Mr. Ficken responded that he has no plans to since there was already a heavy amount of natural screening that exists. Chairman Northcutt commented that he would like to see some landscaping on the front side of the building to soften the corners maybe by using some trees and/or shrubs. Commissioner Hager agreed especially if an effort is made to blend in with the house.

Commissioner Flood made a motion to approve a Conditional Use Permit for the installation of a workshop at 330 Kentucky Lane with the condition that landscape will be added to the front of the building facing the street for additional screening. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

- 7. Continue 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 at the October meeting the commission acted to postpone the review of this application to January 2014 and requests the commission continue the public hearing until that meeting.

Commissioner Faulkner made a motion to continue the public hearing to date certain of January 9, 2014. Commissioner Flood seconded that motion and the motion was unanimously approved.

8. Discuss policies and procedures for the conduct of planning and zoning commission public hearings.

Mr. Schmidt asked for any feedback from the commission regarding the guidelines for their meetings.

Commissioner Friend requested to remove the last two sentences within 2b. Commission members agreed.

Commission members also agreed to remove the last paragraph under number two.

9. Receive a report from staff on the status of recent planning cases.

Mr. Schmidt stated that at the most recent council meeting, council denied with prejudice the K Hovnanian request with a 4-3 vote; Chase Oaks church was approved, and the Conditional Use Permit(s) were also approved.

10. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will consider and take action regarding the town's annual Tree City USA Recertification Application, and take any necessary action.

Mr. Brewer stated that town staff has completed the four standards required by the Arbor Day Foundation to recertify the town's Tree City USA designation. Mr. Brewer stated that since all requirements have now been met, the town can submit its application to the Foundation if the commission acting as Tree Board approves the application.

Commissioner Friend made a motion to approve the Town of Fairview's Tree City USA recertification application. Commissioner Hager seconded that motion and the motion was unanimously approved.

11. Adjourn.

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

Respectfully submitted,



Michelle Lewis Sirianni
Town Secretary



Brad Northcutt Chairman
Planning and Zoning Commission

