

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 13, 2014**

The Planning and Zoning Commission met in regular session on Thursday, February 13, 2014 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Pat Friend, Renee Powell, Jim Rushing, Matt Faulkner, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; and Town Secretary, Michelle Lewis Sirianni. Commissioners Heather Hager and Brad Northcutt were absent.

Vice Chairman Rushing called the meeting to order at 7:02 p.m. and declared a quorum was present.

1. Consider and take action regarding the minutes of the January 9, 2014 Planning and Zoning Commission meeting.

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

Commissioner Powell made a motion to approve the minutes as amended for the January 9, 2014 commission meeting. Commissioner Flood seconded that motion and the motion was unanimously approved.

2. 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 construction of an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 470 Kentucky Lane, being Lot 25 of the Blue Grass Farms subdivision.

Mr. Schmidt stated that the applicant and property owner is Mr. Dan Miller. The applicant is applying for a Conditional Use Permit (CUP) in order to construct an accessory building that will be used for storage purposes. The applicant's property is 3.001 acres in size, located in the Blue Grass Farms Addition, and zoned Planned Center (PC); therefore, the accessory building regulations will follow the RE-2 zoning district. Mr. Schmidt stated that the applicant's property currently contains an existing accessory building that is 1,120 SF. The proposed 900 SF building would exceed the 1,800 SF maximum accessory building footprint by 220 SF. The applicant is also requesting to locate the building in a manner that would encroach into the 40' setback by a maximum of 20' and is requesting to

provide for a 2:4:12 roof pitch instead of the regulatory requirement of 4:12. Mr. Schmidt commented that the applicant can conform to the town's setback and roof pitch requirements, but doing so would require additional tree removal and pruning. Town staff has received two letters of support and zero letters of opposition. Town staff recommends approval as submitted.

Vice Chairman Rushing opened the public hearing.

Dan Miller, 470 Kentucky, owner and applicant, stated that he has talked to his neighbors most impacted and they were in support. Mr. Miller the building will be used for more storage space for lawn equipment, furniture, etc.

Vice Chairman Rushing closed the public hearing and opened discussion to commission members. Commissioner's discussed the encroachment of the building, but no further concerns were raised.

Commissioner Friend made a motion to approve a Conditional Use Permit (CUP) for construction of an accessory building at 470 Kentucky Lane. Commissioner Flood seconded that motion and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request to approve a site plan for a 9.73± acres tract of land that is zoned Commercial Planned Development District (CPDD) – Zone L (6.55± acres) and One-Acre Ranch Estate (RE-1) (3.18± acres), and is situated in the Samuel Sloan Survey, Abstract No. 791, and is generally located at the eastern terminus of Pond View Lane and east of the Sloan Creek Estates – Phase III Addition, generally, in order to allow for a development comprised of three (3) single-family residential lots.**

Mr. Schmidt stated that Mr. Justin Lamothe of Morgan Madison Homes is applying on behalf of the property owner Timothy Jackson. The applicant is applying for Site Plan and Final Plat approval in order to establish a subdivision comprised of three single-family detached residential lots. The subject property has a mixed zoning classification with 6.55± acres zoned CPDD, Zone L and the remaining 3.18± acres is zoned RE-1. Mr. Schmidt explained that in Texas a Plat application is a "ministerial" review process, meaning, that if the submitted plat conforms to the town's zoning, subdivision and development regulations, the town is duty bound to approve the plat. Mr. Schmidt discussed the site improvements, utilities, and the landscaping specifically addressing the cul-de-design issue. Town staff received four letters of support and zero in opposition to

the request. Mr. Schmidt commented that he has received feedback that the Sloan Creek Estates HOA would like to link this new subdivision to their HOA. The town cannot do that legally and would be a private matter between entities. Town staff recommends approval with provision that the commissioners provide a recommendation on the design for the proposed cul-de-sac.

Vice Chairman Rushing opened the public hearing.

Camma Fowler, 441 Sloan Creek Pkwy, asked if the proposed subdivision would have their own covenants. Mr. Schmidt replied that yes they would unless an agreement is met.

Ron Workman, 5145 Pond Bluff, stated he has no objection to the proposed.

Judy Habel, 5149 Pond Crest Trl, stated she would if possible like to speak to the developer afterwards to discuss the possibility of them becoming part of Sloan Creek's HOA.

Justin Lamothe, applicant, stated that in regards to the cul-de-sac, he would request that there be no median with landscaping since they usually become a maintenance issue and it clutters of the cul-de-sac. In regards to the street light, he requested the possibility of having individual lights at end of each drive way versus one.

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

Commissioner Friend asked if the emergency vehicles would have any concerns about the cul-de-sac and how would you keep cars from parking in this area. Mr. Chancellor responded that the width is sufficient for emergency vehicles to maneuver and an island plus parking is an issue.

The commissioners discussed the street light with some questioning how it will do any good with their only being one. Mr. Chancellor responded some light is better than none and oftentimes acts as a deterrent and even with the dark skies ordinance the wattage could be increased and still be in compliance.

The commissioners all agreed that they did not want a median within the cul-de-sac.

Commissioner Powell made a motion to approve the Site Plan for the Jackson Estates subdivision as submitted. Commissioner Friend seconded that motion and the motion was unanimously approved.

- 4. Consider and take any necessary action on a request to approve a Final Plat for a 9.73± acres tract of land that is zoned Commercial Planned Development District (CPDD) – Zone L (6.55± acres) and One-Acre Ranch Estate (RE-1) (3.18± acres), and is situated in the Samuel Sloan Survey, Abstract No. 791, and is generally located at the eastern terminus of Pond View Lane and east of the Sloan Creek Estates – Phase III Addition, generally, in order to allow for a development comprised of three (3) single-family residential lots.**

Mr. Schmidt stated that the Final Plat conforms to the Site Plan. They have provided for all easements and right-of-way dedication. Mr. Schmidt stated that the staff recommendation to the Park Board will be cash in lieu of land. Town staff recommends approval as submitted.

Commissioner Powell made a motion to approve the Final Plat for the Jackson Estates subdivision as submitted. Commissioner Faulkner seconded that motion and the motion was unanimously approved.

- 5. Consider and take any necessary action on a request for approval of a Final Plat for a religious institution on a 5.818± acre property that is situated in the John Taylor Survey – Abs. No. 909, and is generally located north of Stacy Road and 950 feet west of Meandering Way.**

Mr. Schmidt stated that Mr. Don Vandiver, the project architect is applying on behalf of the LDS church. The subject property is 5.818 acres in size and zoned RE-1, with a Conditional Use Permit approving the overlay zoning for the church. Mr. Schmidt stated that as part of the Conditional Use Permit approval, the applicant was required to submit a traffic study with this plat application. Mr. Schmidt stated that this plat application is also a “ministerial” review process, and if the submitted plat conforms to the prescribed zoning, subdivision and development regulations, the town is duty bound to approve the plat. However, the town may exercise discretion in the review of the development’s landscape plan, but ideally be supported by town ordinances and development planning best practices.

Mr. Schmidt stated in regards to the traffic study, it indicated that the proposed access points were appropriate, and a deceleration lane should not be required. The left turn lane will be funding by the applicant. Mr. Schmidt also discussed utilities and landscaping. Town staff recommends approval as submitted.

Mr. Don Vandiver stated that they are willing to accommodate with appropriate landscaping in order to provide for an ample buffering and streetscape for Stacy Road. Mr. Vandiver commented that the landscaping will all be irrigated. They should be starting construction as early as April or May on the project.

The commissioners discussed the landscape buffering in regards to the northern property boundary.

Commissioner Faulkner made a motion to approve a Final Plat for a religious institution with authorizing town staff to have the ability to provide secondary landscape plan if a privacy fence is installed. Commissioner Friend seconded that motion and the motion was unanimously approved.

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

Mr. Schmidt reminded the commissioners of the upcoming joint meeting dates with council.

7. Adjourn.

Vice Chairman Rushing adjourned the meeting at 8:05 p.m.

Respectfully submitted,



Michelle Lewis Sirianni
Town Secretary



Jim Rushing, Vice Chairman
Planning and Zoning Commission

